

**THURSDAY, MAY 19, 2011**

**THIRTY-SEVENTH LEGISLATIVE DAY**

**CALL TO ORDER**

The Senate met at 8:30 a.m., and was called to order by Mr. Speaker Ramsey.

**PRAYER**

The proceedings were opened with prayer by Pastor Maury Davis of Cornerstone Church in Madison, Tennessee, a guest of Senator Roberts.

**PLEDGE OF ALLEGIANCE**

Senator Roberts led the Senate in the Pledge of Allegiance to the Flag.

**ROLL CALL**

The roll call was taken with the following results:

Present . . . . . 33

Senators present were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--33.

**COMMUNICATION**

May 19, 2011

Lt. Governor Ron Ramsey  
1 Legislative Plaza  
Nashville, TN 37243

Dear Lt. Governor Ramsey,

This letter is to advise you that I will be absent part of this evening's Session. In addition, it will be necessary that I leave by 2:00 p.m. on Friday, May 20 and will be absent for any Session that is held May 21, I regret that I have this conflict and cannot be present.

Sincerely,

/s/ Joe M. Haynes

APPROVED: Lieutenant Governor  
Ron Ramsey

**STANDING COMMITTEE REPORTS**

**EDUCATION**

MR. SPEAKER: Your Committee on Education begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 624 with amendment, 873 with amendment, 1648 and 1650; and House Bill No. 432 with amendment; also, recommend that Senate Bills Nos. 1409 with amendment, 1993 with amendment and 2008 with amendment be referred to Committee on Finance, Ways and Means.

GRESHAM, Chairperson  
May 18, 2011

The Speaker announced that he had referred Senate Bills Nos. 624 with amendment, 873 with amendment, 1648 and 1650; and House Bill No. 432 with amendment to the Committee on Calendar.

The Speaker announced that he had referred Senate Bills Nos. 1409 with amendment, 1993 with amendment and 2008 with amendment to the Committee on Finance, Ways and Means.

**FINANCE, WAYS AND MEANS**

MR. SPEAKER: Your Committee on Finance, Ways and Means begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 306 with amendment, 528 with amendment, 932 with amendment, 943, 944, 995, 1426 with amendment, 1523 with amendment and 1550 with amendment.

MCNALLY, Chairperson  
May 18, 2011

The Speaker announced that he had referred Senate Bills Nos. 306 with amendment, 528 with amendment, 932 with amendment, 943, 944, 995, 1426 with amendment, 1523 with amendment and 1550 with amendment to the Committee on Calendar.

**MOTION**

Senator Faulk moved that Rules 32, 33 and 37 be suspended for the introduction and immediate consideration of **Senate Joint Resolution No. 437**, out of order, which motion prevailed.

**INTRODUCTION OF RESOLUTION**

**Senate Joint Resolution No. 437** by Senator Faulk.  
Memorials, Death -- Judge David L. Brand.

On motion of Senator Faulk, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Joint Resolution No. 437** was adopted.

A motion to reconsider was tabled.

**MOTION**

Senator Haynes moved that Rules 32, 33 and 37 be suspended for the introduction and immediate consideration of **Senate Joint Resolution No. 438**, out of order, which motion prevailed.

**INTRODUCTION OF RESOLUTION**

**Senate Joint Resolution No. 438** by Senator Haynes.  
Memorials, Death -- Frank G. Kolinsky.

On motion of Senator Haynes, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Joint Resolution No. 438** was adopted.

A motion to reconsider was tabled.

**MOTION**

Senator Johnson moved that Rule 37 be suspended for the immediate consideration of **House Joint Resolution No. 480**, out of order, which motion prevailed.

**RESOLUTION LYING OVER**

**House Joint Resolution No. 480** -- Memorials, Recognition -- Breezy Smith, Miss Rodeo Tennessee 2010.

On motion of Senator Johnson, the rules were suspended for the immediate consideration of the resolution.

On motion, **House Joint Resolution No. 480** was concurred in.

A motion to reconsider was tabled.

**MOTION**

Senator Gresham moved that Rules 32, 33 and 37 be suspended for the introduction and immediate consideration of **Senate Resolution No. 60**, out of order, which motion prevailed.

**INTRODUCTION OF RESOLUTION**

**Senate Resolution No. 60** by Senator Gresham.  
Memorials, Interns -- Cory Douglas Higdon.

On motion of Senator Gresham, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Resolution No. 60** was adopted.

A motion to reconsider was tabled.

**MOTION**

Senator Norris moved, pursuant to Rule 32 and Article II, Section 18 of the Constitution of the State of Tennessee, **House Bills Nos. 137, 175, 511, 648, 687, 759, 985, 992, 1046, 1201, 1246, 1304, 1733, 1877, 1943, 1951, 1956, 1980, 2010, 2149, 2153, 2155 and 2157** be passed on first consideration, which motion prevailed.

**HOUSE BILLS ON FIRST CONSIDERATION**

The Speaker announced that the following House Bills were transmitted to the Senate and passed first consideration:

**House Bill No. 137** -- Taxes, Sales -- As introduced, reduces from 90 to 60 days period in which dealer via signed statement can deduct on a return sales tax collected but not yet remitted to commissioner for refunded items. Amends TCA Title 67.

**House Bill No. 175** -- Local Education Agencies -- As introduced, allows LEAs to convert to a new form of school district to be known as an innovative school district.

**House Bill No. 511** -- Highways, Roads and Bridges -- As introduced, establishes presumptions of proximate cause of death, injury, or damage for certain motor vehicle accidents occurring within a construction zone; establishes immunity from claims for personal injury, property damage, or death arising from certain Department of Transportation projects. Amends TCA Title 8, Chapter 42; Title 12, Chapter 4; Title 29 and Title 54.

**House Bill No. 648** -- Administrative Procedure (UAPA) -- As introduced, continues certain permanent rules filed with secretary of state after January 1, 2010.

**House Bill No. 687** -- Sexual Offenders -- As introduced, creates a sexual offender registry for juveniles who are 14-18 years of age, commit a specified violent sexual offense, and are found by a court to be at high risk for reoffending or have a prior adjudication for a violent sexual offense. Amends TCA Title 37; Title 40; Title 49 and Title 55.

**House Bill No. 759** -- Taxes, Ad Valorem -- As introduced, provides for the redemption of certain property at tax sales that is situated in federally designated qualified census tracts within Shelby County. Amends TCA Title 67, Chapter 5.

**House Bill No. 985** -- Alcoholic Beverages -- As introduced, authorizes alcoholic beverages for consumption on the premises in unincorporated areas of a county if the county conducts an election and limits the election, as provided by law, to those persons residing in areas outside larger municipalities which by law are authorized to conduct their own elections for such purposes. Amends TCA Title 57, Chapter 4, Part 1.

**House Bill No. 992** -- Municipal Government -- As introduced, extends allowing municipality to expand its urban growth boundaries to include tracts of land that are 10 acres or smaller when certain criteria are met until July 1, 2013. Amends TCA Title 6.

**House Bill No. 1046** -- Wine & Wineries -- As introduced, authorizes licensure and regulation of businesses where customers can make wine for personal, home consumption. Amends TCA Section 39-17-703 and Title 57.

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**House Bill No. 1201** -- Health Care -- As introduced, replaces "non-residential methadone treatment facility" with "non-residential substitution-based treatment centers offering treatment for opiate addiction". Amends TCA Title 68, Chapter 11.

**House Bill No. 1246** -- Disabled Persons -- As introduced, requires by July 1, 2013, that all businesses that provide disabled parking spaces also provide van-accessible parking spaces. Amends TCA Section 55-21-105.

**House Bill No. 1304** -- Motor Vehicles -- As introduced, rewrites present exemption to requirement that motor vehicle dismantlers must obtain copy of certificate of title before purchasing motor vehicle for scrap, to apply to motor vehicle manufactured in a year prior to issuance of certificates of title. Amends TCA Title 55, Chapter 17, Part 1 and Title 55, Chapter 3, Part 2.

**House Bill No. 1733** -- Teachers, Principals and School Personnel -- As introduced, prohibits LEAs from denying equal access to LEA employees to all domestic professional employees' organizations offering membership to all certificated personnel and removes prohibition against LEAs prohibiting communications on school premises. Amends TCA Title 49, Chapter 2 and Title 49, Chapter 5.

**House Bill No. 1877** -- Judgments -- As introduced, requires the Commissioner of Safety to revoke a person's license if that person is delinquent on paying litigation taxes, court costs or fines for one year; creates exceptions for those with employment or family hardships if they apply to the court in a sworn affidavit. Amends TCA Title 16; Title 40, Chapter 24, Part 1; Title 50 and Title 55.

**House Bill No. 1943** -- Emergency Communications Districts -- As introduced, decreases fine for making aggravated nonemergency 911 calls from \$2,500 to \$500; earmarks proceeds of fines to 911 call center in city where call originated. Amends TCA Title 7, Chapter 86; Title 39 and Title 40.

**House Bill No. 1951** -- Board of Regents -- As introduced, removes an obsolete provision of the code that provides that the immediate past Commissioner of Education as of July 1, 1972, will serve until 2001 on the board of regents. Amends TCA Title 49.

**House Bill No. 1956** -- Education -- As introduced, expands the authority of LEAs to include implementation of programs that identify students at risk for Type II diabetes. Amends TCA Title 49.

**House Bill No. 1980** -- Schools, Charter -- As introduced, requires an LEA, in which a charter school operates, to make available annually a list of the LEA's vacant properties and space. Amends TCA Title 49, Chapter 13.

**House Bill No. 2010** -- Tennessee Higher Education Commission -- As introduced, requires THEC to report annually to appropriate committees of the general assembly on the extent to which lottery funded scholarship and grant programs promote the goals of the "Complete College Tennessee Act of 2010". Amends TCA Title 49, Chapter 4.

**House Bill No. 2149** -- Sparta -- As introduced, subject to local approval, revises the charter. Amends Chapter 99 of the Private Acts of 1973.

**House Bill No. 2153** -- Humphreys County -- As introduced, subject to local approval, rewrites county road law to conform with the Tennessee County Uniform Highway Law. Amends Chapter 634 of the Private Acts of 1935; as amended.

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**House Bill No. 2155** -- School Districts, Special -- As introduced, changes method of electing the five members of the South Carroll County Special School District board of education from election of one member from each of five districts to election of all members on a district wide basis. Amends Chapter 278 of the Private Acts of 1955; as amended.

**House Bill No. 2157** -- Rockwood -- As introduced, subject to local approval, authorizes city to set criteria for awarding contracts by ordinance, rather than by charter provision, in accordance with the Municipal Purchasing Law. Amends Chapter 327 of the Acts of 1903, as amended.

### MOTION

Senator Norris moved, pursuant to Rule 33 and Article II, Section 18 of the Constitution of the State of Tennessee, that **Senate Bill No. 2119** be passed on second consideration and be referred to the appropriate committee or held on the Clerk's desk, which motion prevailed.

### SENATE BILL ON SECOND CONSIDERATION

The Speaker announced that the following bill passed second consideration and was referred to the appropriate committee or held on the Clerk's desk:

**Senate Bill No. 2119** Local bill -- held on desk.

### MOTION

Senator Norris moved, pursuant to Rule 21, **Senate Joint Resolutions Nos. 431 through 435**; and **Senate Resolution No. 59** be passed on first consideration and lie over, which motion prevailed.

### INTRODUCTION OF RESOLUTIONS

The Speaker announced that the following resolutions were filed for introduction. Pursuant to Rule 21, the resolutions lie over.

**Senate Joint Resolution No. 431** by Senator Haynes.  
Memorials, Recognition -- Metro Baptist Church of Goodlettsville, 35th anniversary.

**Senate Joint Resolution No. 432** by Senator Haynes.  
Memorials, Sports -- Blake Geoffrion.

**Senate Joint Resolution No. 433** by Senator Kyle.  
Memorials, Sports -- Memphis Grizzlies.

**Senate Joint Resolution No. 434** by Senators McNally, Woodson and Campfield.  
Memorials, Death -- Lt. Col. Frank Bryant, Jr., U.S. Air Force.

**Senate Joint Resolution No. 435** by Senator McNally.  
Memorials, Interns -- Jarrett Jordan.

**Senate Resolution No. 59** by Senator Tate.  
Memorials, Death -- Valerie Glover Garza.

**MOTION**

Senator Norris moved, pursuant to Rule 21, **House Joint Resolutions Nos. 448 through 468 and 470 through 493; Senate Joint Resolutions Nos. 395 through 418 and 420 through 430; and Senate Resolutions Nos. 51 through 58** lie over and be referred to the appropriate committees or held on the Clerk's desk, which motion prevailed.

**RESOLUTIONS LYING OVER**

The Speaker announced that the following resolutions passed second consideration and were referred to the appropriate committees or held on the desk, pursuant to Rule 21:

**House Joint Resolution No. 448** -- Memorials, Interns -- Daniel Raphael Patterson.

The Speaker announced that he had referred House Joint Resolution No. 448 to the Committee on Calendar.

**House Joint Resolution No. 449** -- Memorials, Recognition -- 81st Burge Family and Friends Reunion.

The Speaker announced that he had referred House Joint Resolution No. 449 to the Committee on Calendar.

**House Joint Resolution No. 450** -- Memorials, Academic Achievement -- Claire Janelle Jones, Valedictorian, Seymour High School.

The Speaker announced that he had referred House Joint Resolution No. 450 to the Committee on Calendar.

**House Joint Resolution No. 451** -- Memorials, Academic Achievement -- Shaelyn Reed Brown, Valedictorian, Seymour High School.

The Speaker announced that he had referred House Joint Resolution No. 451 to the Committee on Calendar.

**House Joint Resolution No. 452** -- Memorials, Academic Achievement -- Sara Denise Fuller, Valedictorian, Seymour High School.

The Speaker announced that he had referred House Joint Resolution No. 452 to the Committee on Calendar.

**House Joint Resolution No. 453** -- Memorials, Academic Achievement -- Skyler Ross Brown, Valedictorian, Seymour High School.

The Speaker announced that he had referred House Joint Resolution No. 453 to the Committee on Calendar.

**House Joint Resolution No. 454** -- Memorials, Academic Achievement -- Chelsea Olivia Foltz, Valedictorian, Seymour High School.

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The Speaker announced that he had referred House Joint Resolution No. 454 to the Committee on Calendar.

**House Joint Resolution No. 455** -- Memorials, Academic Achievement -- Corey Douglas Clark, Valedictorian, Seymour High School.

The Speaker announced that he had referred House Joint Resolution No. 455 to the Committee on Calendar.

**House Joint Resolution No. 456** -- Memorials, Academic Achievement -- Luke Montgomery Hall, Valedictorian, Seymour High School.

The Speaker announced that he had referred House Joint Resolution No. 456 to the Committee on Calendar.

**House Joint Resolution No. 457** -- Memorials, Academic Achievement -- Katie Alicia Hurton, Valedictorian, Seymour High School.

The Speaker announced that he had referred House Joint Resolution No. 457 to the Committee on Calendar.

**House Joint Resolution No. 458** -- Memorials, Recognition -- National State Teachers of the Year Service Projects, June 15-17, 2011, in Sevier County.

The Speaker announced that he had referred House Joint Resolution No. 457 to the Committee on Calendar.

**House Joint Resolution No. 459** -- Memorials, Academic Achievement -- Mariah Grace Melancon, Salutatorian, Seymour High School.

The Speaker announced that he had referred House Joint Resolution No. 459 to the Committee on Calendar.

**House Joint Resolution No. 460** -- Memorials, Academic Achievement -- Timothy Travis Jones, Valedictorian, Seymour High School.

The Speaker announced that he had referred House Joint Resolution No. 460 to the Committee on Calendar.

**House Joint Resolution No. 461** -- Memorials, Academic Achievement -- Leslie Kayla Messel, Salutatorian, Seymour High School.

The Speaker announced that he had referred House Joint Resolution No. 461 to the Committee on Calendar.

**House Joint Resolution No. 462** -- Memorials, Academic Achievement -- Alexandre Martins Horton, Salutatorian, Seymour High School.

The Speaker announced that he had referred House Joint Resolution No. 462 to the Committee on Calendar.



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**House Joint Resolution No. 463** -- Memorials, Academic Achievement -- David Martin Webb, Valedictorian, Seymour High School.

The Speaker announced that he had referred House Joint Resolution No. 463 to the Committee on Calendar.

**House Joint Resolution No. 464** -- Memorials, Academic Achievement -- Jodie Lee Wood, Valedictorian, Seymour High School.

The Speaker announced that he had referred House Joint Resolution No. 464 to the Committee on Calendar.

**House Joint Resolution No. 465** -- Memorials, Academic Achievement -- Joshua Logan Pickett, Valedictorian, Seymour High School.

The Speaker announced that he had referred House Joint Resolution No. 465 to the Committee on Calendar.

**House Joint Resolution No. 466** -- Memorials, Academic Achievement -- Samuel Lee Thomas, Valedictorian, Seymour High School.

The Speaker announced that he had referred House Joint Resolution No. 466 to the Committee on Calendar.

**House Joint Resolution No. 467** -- Memorials, Interns -- Krysten Velloff.

The Speaker announced that he had referred House Joint Resolution No. 467 to the Committee on Calendar.

**House Joint Resolution No. 468** -- Memorials, Recognition -- Pat Waggoner.

The Speaker announced that he had referred House Joint Resolution No. 468 to the Committee on Calendar.

**House Joint Resolution No. 470** -- Memorials, Recognition -- Cody Cogdill, Nestle Pure Life "Every Drop Counts" Earth Science Scholarship.

The Speaker announced that he had referred House Joint Resolution No. 470 to the Committee on Calendar.

**House Joint Resolution No. 471** -- Memorials, Personal Occasion -- David and Paula Sedgwick, 50th wedding anniversary.

The Speaker announced that he had referred House Joint Resolution No. 471 to the Committee on Calendar.

**House Joint Resolution No. 472** -- Memorials, Academic Achievement -- Lindsay Doss, Salutatorian, Gallatin High School.

The Speaker announced that he had referred House Joint Resolution No. 472 to the Committee on Calendar.

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**House Joint Resolution No. 473** -- Memorials, Academic Achievement -- Amelia Marie Elizabeth Mimms, Valedictorian, Gallatin High School.

The Speaker announced that he had referred House Joint Resolution No. 473 to the Committee on Calendar.

**House Joint Resolution No. 474** -- Memorials, Interns -- Jermaine Johnson.

The Speaker announced that he had referred House Joint Resolution No. 474 to the Committee on Calendar.

**House Joint Resolution No. 475** -- Memorials, Interns -- Mitchell Ryan McConnell.

The Speaker announced that he had referred House Joint Resolution No. 475 to the Committee on Calendar.

**House Joint Resolution No. 476** -- Memorials, Academic Achievement -- Garrett Emberton, Nestle Waters "Every Drop Counts" Scholarship.

The Speaker announced that he had referred House Joint Resolution No. 476 to the Committee on Calendar.

**House Joint Resolution No. 477** -- Memorials, Recognition -- Maverick Hesson, Nestle Waters Service Scholarship.

The Speaker announced that he had referred House Joint Resolution No. 477 to the Committee on Calendar.

**House Joint Resolution No. 478** -- Memorials, Academic Achievement -- Trevor Russell, Nestle Waters "Every Drop Counts" Scholarship.

The Speaker announced that he had referred House Joint Resolution No. 478 to the Committee on Calendar.

**House Joint Resolution No. 479** -- Memorials, Recognition -- Keanna Peck, Nestle Waters Service Scholarship.

The Speaker announced that he had referred House Joint Resolution No. 479 to the Committee on Calendar.

**House Joint Resolution No. 480** -- Memorials, Recognition -- Breezy Smith, Miss Rodeo Tennessee 2010.

The Speaker announced that he had referred House Joint Resolution No. 480 to the Committee on Calendar.

**House Joint Resolution No. 481** -- Memorials, Recognition -- Lionel Hollins.

The Speaker announced that he had referred House Joint Resolution No. 481 to the Committee on Calendar.

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**House Joint Resolution No. 482** -- Memorials, Recognition -- Reverend Arnold W. Joyner.

The Speaker announced that he had referred House Joint Resolution No. 482 to the Committee on Calendar.

**House Joint Resolution No. 483** -- Memorials, Recognition -- Dedication of the William R. Carter Memorial Bridge.

The Speaker announced that he had referred House Joint Resolution No. 483 to the Committee on Calendar.

**House Joint Resolution No. 484** -- Memorials, Interns -- Courtney Harris.

The Speaker announced that he had referred House Joint Resolution No. 484 to the Committee on Calendar.

**House Joint Resolution No. 485** -- Memorials, Academic Achievement -- Michelle Lynn Kelly, Valedictorian, Pigeon Forge High School.

The Speaker announced that he had referred House Joint Resolution No. 485 to the Committee on Calendar.

**House Joint Resolution No. 486** -- Memorials, Academic Achievement -- Sarah Nancy Carr, Valedictorian, Pigeon Forge High School.

The Speaker announced that he had referred House Joint Resolution No. 486 to the Committee on Calendar.

**House Joint Resolution No. 487** -- Memorials, Academic Achievement -- Sarah Marie Clabo, Valedictorian, Pigeon Forge High School.

The Speaker announced that he had referred House Joint Resolution No. 487 to the Committee on Calendar.

**House Joint Resolution No. 488** -- Memorials, Academic Achievement -- Bethany Gean Harkness, Salutatorian, Pigeon Forge High School.

The Speaker announced that he had referred House Joint Resolution No. 488 to the Committee on Calendar.

**House Joint Resolution No. 489** -- Memorials, Academic Achievement -- Brittani Kimberlyn Edge, Valedictorian, Pigeon Forge High School.

The Speaker announced that he had referred House Joint Resolution No. 489 to the Committee on Calendar.

**House Joint Resolution No. 490** -- Memorials, Academic Achievement -- Jared Anthony Cantrell, Salutatorian, Pigeon Forge High School.

The Speaker announced that he had referred House Joint Resolution No. 490 to the Committee on Calendar.

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**House Joint Resolution No. 491** -- Memorials, Recognition -- Jackson Madison Chapter National Society of Daughters of the American Revolution, "Our Field of Flags".

The Speaker announced that he had referred House Joint Resolution No. 491 to the Committee on Calendar.

**House Joint Resolution No. 492** -- Memorials, Public Service -- Lynda and Greg Van Hook.

The Speaker announced that he had referred House Joint Resolution No. 492 to the Committee on Calendar.

**House Joint Resolution No. 493** -- Memorials, Interns -- Xiao Jing Zhu.

The Speaker announced that he had referred House Joint Resolution No. 493 to the Committee on Calendar.

**Senate Joint Resolution No. 395** -- Memorials, Academic Achievement -- Megan Kay Hasse, Valedictorian, Harpeth High School.

The Speaker announced that he had referred Senate Joint Resolution No. 395 to the Committee on Calendar.

**Senate Joint Resolution No. 396** -- Memorials, Academic Achievement -- Michael Andrew Newton, Valedictorian, Harpeth High School.

The Speaker announced that he had referred Senate Joint Resolution No. 396 to the Committee on Calendar.

**Senate Joint Resolution No. 397** -- Memorials, Academic Achievement -- Taylor Michelle Winkler, Valedictorian, Harpeth High School.

The Speaker announced that he had referred Senate Joint Resolution No. 397 to the Committee on Calendar.

**Senate Joint Resolution No. 398** -- Memorials, Academic Achievement -- Emily Jane Johnson, Salutatorian, Harpeth High School.

The Speaker announced that he had referred Senate Joint Resolution No. 398 to the Committee on Calendar.

**Senate Joint Resolution No. 399** -- Memorials, Academic Achievement -- Megan Danielle Nicholson, Valedictorian, Cheatham County Central High School.

The Speaker announced that he had referred Senate Joint Resolution No. 399 to the Committee on Calendar.

**Senate Joint Resolution No. 400** -- Memorials, Academic Achievement -- Emily Rebecca Bowman, Salutatorian, Cheatham County Central High School.

The Speaker announced that he had referred Senate Joint Resolution No. 400 to the Committee on Calendar.

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**Senate Joint Resolution No. 401** -- Memorials, Academic Achievement -- David Benjamin Bell, Valedictorian, Sycamore High School.

The Speaker announced that he had referred Senate Joint Resolution No. 401 to the Committee on Calendar.

**Senate Joint Resolution No. 402** -- Memorials, Academic Achievement -- Josiah Duff Brown, Salutatorian, Sycamore High School.

The Speaker announced that he had referred Senate Joint Resolution No. 402 to the Committee on Calendar.

**Senate Joint Resolution No. 403** -- Memorials, Academic Achievement -- Nicole Isabella Santoyo, Valedictorian, Academy for Academic Excellence.

The Speaker announced that he had referred Senate Joint Resolution No. 403 to the Committee on Calendar.

**Senate Joint Resolution No. 404** -- Memorials, Academic Achievement -- Jessica Kai-Lin Huang, Valedictorian, Clarksville Academy.

The Speaker announced that he had referred Senate Joint Resolution No. 404 to the Committee on Calendar.

**Senate Joint Resolution No. 405** -- Memorials, Academic Achievement -- Malcolm Thomas Black, Salutatorian, Clarksville Academy.

The Speaker announced that he had referred Senate Joint Resolution No. 405 to the Committee on Calendar.

**Senate Joint Resolution No. 406** -- Memorials, Academic Achievement -- Tiffany Anne Donner, Valedictorian, Northeast High School.

The Speaker announced that he had referred Senate Joint Resolution No. 406 to the Committee on Calendar.

**Senate Joint Resolution No. 407** -- Memorials, Academic Achievement -- Benjamin Gene Geering, Salutatorian, Northeast High School.

The Speaker announced that he had referred Senate Joint Resolution No. 407 to the Committee on Calendar.

**Senate Joint Resolution No. 408** -- Memorials, Academic Achievement -- Emily Marie Travis, Valedictorian, Northwest High School.

The Speaker announced that he had referred Senate Joint Resolution No. 408 to the Committee on Calendar.

**Senate Joint Resolution No. 409** -- Memorials, Academic Achievement -- Ethan Wayne Bisgaard, Salutatorian, Northwest High School.

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The Speaker announced that he had referred Senate Joint Resolution No. 409 to the Committee on Calendar.

**Senate Joint Resolution No. 410** -- Memorials, Academic Achievement -- Amber Lynn Kearns, Valedictorian, Rossvie High School.

The Speaker announced that he had referred Senate Joint Resolution No. 410 to the Committee on Calendar.

**Senate Joint Resolution No. 411** -- Memorials, Academic Achievement -- Jason Lou Giaffo, Salutatorian, Rossvie High School.

The Speaker announced that he had referred Senate Joint Resolution No. 411 to the Committee on Calendar.

**Senate Joint Resolution No. 412** -- Memorials, Academic Achievement -- Veronica Cordova, Valedictorian, West Creek High School.

The Speaker announced that he had referred Senate Joint Resolution No. 412 to the Committee on Calendar.

**Senate Joint Resolution No. 413** -- Memorials, Academic Achievement -- Elodie Denise Kruk, Salutatorian, West Creek High School.

The Speaker announced that he had referred Senate Joint Resolution No. 413 to the Committee on Calendar.

**Senate Joint Resolution No. 414** -- Memorials, Academic Achievement -- Robert Lucian Habersetter III, Valedictorian, Montgomery Central High School.

The Speaker announced that he had referred Senate Joint Resolution No. 414 to the Committee on Calendar.

**Senate Joint Resolution No. 415** -- Memorials, Academic Achievement -- Gene Charles Hall, Salutatorian, Montgomery Central High School.

The Speaker announced that he had referred Senate Joint Resolution No. 415 to the Committee on Calendar.

**Senate Joint Resolution No. 416** -- Memorials, Interns -- J. Tyler Whaley.

The Speaker announced that he had referred Senate Joint Resolution No. 416 to the Committee on Calendar.

**Senate Joint Resolution No. 417** -- Memorials, Recognition -- Camp Country Lad, 50th anniversary.

The Speaker announced that he had referred Senate Joint Resolution No. 417 to the Committee on Calendar.

**Senate Joint Resolution No. 418** -- Memorials, Interns -- Jacob Morgan.

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The Speaker announced that he had referred Senate Joint Resolution No. 418 to the Committee on Calendar.

**Senate Joint Resolution No. 420** -- Memorials, Interns -- Charles Burns.

The Speaker announced that he had referred Senate Joint Resolution No. 420 to the Committee on Calendar.

**Senate Joint Resolution No. 421** -- Memorials, Death -- Sharon Trammell.

The Speaker announced that he had referred Senate Joint Resolution No. 421 to the Committee on Calendar.

**Senate Joint Resolution No. 422** -- Constitutional Amendments -- Proposes an amendment to freeze state and local sales and use taxes at rate in effect in each taxing jurisdiction on November 4, 2014.

The Speaker announced that he had referred Senate Joint Resolution No. 422 to the Committee on Judiciary.

**Senate Joint Resolution No. 423** -- Memorials, Professional Achievement -- Kim Vann, 2010-2011 Wilson County Teacher of the Year.

The Speaker announced that he had referred Senate Joint Resolution No. 423 to the Committee on Calendar.

**Senate Joint Resolution No. 424** -- Memorials, Retirement -- Dr. Donald E. Miller.

The Speaker announced that he had referred Senate Joint Resolution No. 424 to the Committee on Calendar.

**Senate Joint Resolution No. 425** -- Memorials, Death -- Dr. Martha Wade Green.

The Speaker announced that he had referred Senate Joint Resolution No. 425 to the Committee on Calendar.

**Senate Joint Resolution No. 426** -- Memorials, Interns -- Thomas Whisenant.

The Speaker announced that he had referred Senate Joint Resolution No. 426 to the Committee on Calendar.

**Senate Joint Resolution No. 427** -- Memorials, Interns -- Alex Jones.

The Speaker announced that he had referred Senate Joint Resolution No. 427 to the Committee on Calendar.

**Senate Joint Resolution No. 428** -- Memorials, Academic Achievement -- Danielle Lynn Lamb, Valedictorian, Dresden High School.

The Speaker announced that he had referred Senate Joint Resolution No. 428 to the Committee on Calendar.

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**Senate Joint Resolution No. 429** -- Memorials, Academic Achievement -- Joy Wharton, Salutatorian, Dresden High School.

The Speaker announced that he had referred Senate Joint Resolution No. 429 to the Committee on Calendar.

**Senate Joint Resolution No. 430** -- Memorials, Retirement -- Phil Armor.

The Speaker announced that he had referred Senate Joint Resolution No. 430 to the Committee on Calendar.

**Senate Resolution No. 51** -- Memorials, Death -- Joshua Ragsdale.

The Speaker announced that he had referred Senate Resolution No. 51 to the Committee on Calendar.

**Senate Resolution No. 52** -- Memorials, Personal Occasion -- Senator Douglas Henry, Jr., 85th birthday.

The Speaker announced that he had referred Senate Resolution No. 52 to the Committee on Calendar.

**Senate Resolution No. 53** -- Memorials, Recognition -- Brian Lott, Ben Lott, Jennifer Sternthal, Larry Grub, Maja Mullen, and Lourdes York.

The Speaker announced that he had referred Senate Resolution No. 53 to the Committee on Calendar.

**Senate Resolution No. 54** -- Memorials, Interns -- Amber McCullough.

The Speaker announced that he had referred Senate Resolution No. 54 to the Committee on Calendar.

**Senate Resolution No. 55** -- Memorials, Interns -- Cesar Arbelaez.

The Speaker announced that he had referred Senate Resolution No. 55 to the Committee on Calendar.

**Senate Resolution No. 56** -- Memorials, Sports -- Victoria Essence Rose Dunlap, drafted by the WNBA's Washington Mystics.

The Speaker announced that he had referred Senate Resolution No. 56 to the Committee on Calendar.

**Senate Resolution No. 57** -- Memorials, Interns -- Wynita J. Mock.

The Speaker announced that he had referred Senate Resolution No. 57 to the Committee on Calendar.

**Senate Resolution No. 58** -- Memorials, Interns -- Michael Herald.



The Speaker announced that he had referred Senate Resolution No. 58 to the Committee on Calendar.

**NOTICES**

**MESSAGE FROM THE HOUSE**

May 18, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 609, substituted for House Bill on same subject, amended, and passed by the House.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

May 16, 2011

MR. SPEAKER: I am directed to request the return of Senate Joint Resolution No. 308, for further consideration.

JOE MCCORD,  
Chief Clerk.

**CONSENT CALENDAR NO. 1**

**Senate Joint Resolution No. 358** -- Memorials, Death -- Adrion Baird.

**Senate Joint Resolution No. 359** -- Memorials, Death -- Edna Brashears Gibson.

**Senate Joint Resolution No. 360** -- Naming and Designating -- "James 'Moe' Haralson Health and Physical Fitness Center", gymnasium at the Tennessee School for the Blind.

**Senate Joint Resolution No. 361** -- Memorials, Death -- Selma Shapiro.

**Senate Joint Resolution No. 362** -- Memorials, Recognition -- Westview High School cheerleaders, UCA National Champions.

**Senate Joint Resolution No. 363** -- Memorials, Academic Achievement -- Daniel Klingenberg, Valedictorian, Henry County High School.

**Senate Joint Resolution No. 364** -- Memorials, Academic Achievement -- Corey Douglas Schaal, Salutatorian, Henry County High School.

**Senate Joint Resolution No. 365** -- Memorials, Academic Achievement -- Katelyn Mackenzie Arnold, Salutatorian, Camden Central High School.

**Senate Joint Resolution No. 366** -- Memorials, Academic Achievement -- Taylor Douglas, Valedictorian, Camden Central High School.

**Senate Joint Resolution No. 368** -- Memorials, Academic Achievement -- Amy Chapman, Salutatorian, Heritage Christian Academy.

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**Senate Joint Resolution No. 369** -- Memorials, Death -- Duren Cheek.

**Senate Resolution No. 48** -- Memorials, Death -- Mary Irene Pieratt Plumlee.

**House Joint Resolution No. 428** -- Memorials, Personal Occasion -- Bill and Peggy Locher, 50th wedding anniversary.

**House Joint Resolution No. 429** -- Memorials, Recognition -- Martinrea Fabco, Robertson County Chamber of Commerce Industry of the Year.

**House Joint Resolution No. 430** -- Memorials, Recognition -- Honeysuckle Hill Farm, Robertson County Chamber of Commerce Business of the Year.

**House Joint Resolution No. 431** -- Memorials, Public Service -- Tom Trapp, 2011 Robertson County Chamber of Commerce Volunteer of the Year.

**House Joint Resolution No. 432** -- Memorials, Recognition -- Youth Leadership Robertson County, Class of 2011.

**House Joint Resolution No. 434** -- Memorials, Recognition -- Sam Davis Lodge No. 661 of the Free and Accepted Masons, 100th anniversary.

**House Joint Resolution No. 437** -- Memorials, Recognition -- Leadership Robertson County, Class of 2011.

**House Joint Resolution No. 440** -- Memorials, Recognition -- Charles W. Bone.

**House Joint Resolution No. 444** -- Memorials, Retirement -- Michael E. McIntyre.

Senator Faulk moved that all Senate Joint Resolutions and Senate Resolutions be adopted; and all House Joint Resolutions be concurred in, which motion prevailed by the following vote:

Ayes .....	32
Noes .....	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

**CONSENT CALENDAR NO. 2**

**Senate Bill No. 802** -- Bail, Bail Bonds -- As introduced, authorizes the use of a duplicate capias for the arrest or surrender of an individual when the clerk is unavailable to provide a certified capias. Amends TCA Title 40, Chapter 11, Part 1.

On motion, Senate Bill No. 802 was made to conform with **House Bill No. 962**.

On motion, House Bill No. 962, on same subject, was substituted for Senate Bill No. 802.

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**Senate Bill No. 1380** -- Criminal Offenses -- As introduced, increases penalty for disorderly conduct within 500 feet of a funeral or memorial service from Class C misdemeanor to Class B misdemeanor. Amends TCA Title 39, Chapter 17, Part 3.

On motion, Senate Bill No. 1380 was made to conform with **House Bill No. 1869**.

On motion, House Bill No. 1869, on same subject, was substituted for Senate Bill No. 1380.

**Senate Joint Resolution No. 224** -- Naming and Designating -- Designates May 15-23, 2011, as "Police Memorial Week" in Tennessee.

Senator Faulk moved that all Senate Joint Resolutions be adopted; and all House Bills be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	31
Noes .....	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Marrero, McNally, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

**MOTION**

Senator Norris moved that Rule 19 and Rule 44 be suspended for the purpose of considering the Message Calendar next, which motion prevailed.

**MESSAGE CALENDAR**

**SENATE BILL ON HOUSE AMENDMENT**

**Senate Bill No. 1258** -- Physicians and Surgeons -- As introduced, establishes regulation of pain management clinics. Amends TCA Title 63.

**HOUSE AMENDMENT NO. 1**

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 63, Chapter 1, is amended by adding a new part, as follows:

63-1-301. For purposes of this part, unless the context requires otherwise:

(1) "Advanced practice nurse" means any person licensed under Title 63, Chapter 7, who meets the requirements of § 63-7-126.

(2) "Department" means the Department of Health.

(3) "Medical doctor" means any person licensed under Title 63, Chapter 6.

(4) "Osteopathic physician" means any person licensed under Title 63, Chapter 9.

(5) "Pain management clinic" means a privately owned facility in which a medical doctor, an osteopathic physician, an advanced practice nurse, and/or a physician assistant provides pain management services to patients, a majority of whom are issued a prescription for, or are dispensed, opioids, benzodiazepine, barbiturates, or carisoprodol, but not including suboxone, for more than ninety (90) days in a twelve-month period; and

(6) "Physician assistant" means any person licensed under Title 63, Chapter 19.

63-1-302. This part does not apply to:

(1) A medical or dental school, an osteopathic medical school, a nursing school, a physician assistant program, or an outpatient clinic associated with any of the foregoing schools or programs.

(2) A hospital as defined in § 68-11-201, including any outpatient facility or clinic of a hospital;

(3) Hospice services as defined in § 68-11-201;

(4) A nursing home as defined in § 68-11-201;

(5) A facility maintained or operated by this state; or

(6) A hospital or clinic maintained or operated by the federal government.

63-1-303.

(a) Each licensed healthcare practitioner who provides services at a pain management clinic shall continue to be regulated only by the board which has issued a license to that practitioner.

(b) The Commissioner of Health, in consultation with the board of medical examiners, the board of osteopathic examination, the board of nursing, and the committee on physician assistants, shall promulgate rules necessary to implement this part, in accordance with the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5.

(c) The rules adopted pursuant to subsection (b) may address the following topics, among others:

(1) The operation of the clinic;

(2) Personnel requirements for the clinic;

- (3) Training requirements for clinic providers who are regulated by that board;
- (4) Patient records;
- (5) Standards to ensure quality of patient care;
- (6) Infection control;
- (7) Health and safety requirements;
- (8) Certificate application and renewal procedures and requirements;
- (9) Data collection and reporting requirements;
- (10) Inspections and complaint investigations; and
- (11) Patient billing procedures.

63-1-304. Each board shall have the authority to inspect a pain management clinic which utilizes the services of a practitioner licensed by that board. During such inspections, the authorized representatives of the board may inspect all necessary documents and medical records to ensure compliance with this part and all other applicable laws and rules. To the extent possible, the clinic shall be provided reasonable notice prior to the inspection.

63-1-305. Each board shall have the authority to investigate a complaint alleging a violation of this part, or a rule adopted under this part, by a pain management clinic utilizing the services of a healthcare practitioner licensed by that board. Each board shall also have the authority to investigate a complaint alleging that a facility utilizing the services of a healthcare practitioner licensed by that board is not properly certified by the department as required by this part.

63-1-306.

(a) A pain management clinic, as defined in this part, must have a medical director who is a physician that practices in this state under an unrestricted and unencumbered license issued pursuant to § 63-6-201 or § 63-9-104.

(b) In the event that the medical director, for whatever reason, no longer meets the requirements of this part, the pain management clinic must notify the department, within ten (10) business days, of the identity of another physician who meets the requirements of this part and will act as medical director. A change of majority ownership of a certified pain management clinic requires the submission of a new application for a certificate. Failure to notify the department within ten (10) business days may be the basis for a summary suspension of the clinic's certification.

(c) Every pain management clinic shall submit an application to the department, on a form prescribed by the department, for a certificate to operate the clinic.

(d) Each clinic location shall be certified separately regardless of whether the clinic is operated under the same business name, ownership, or management as another clinic.

(e) The department shall issue a certificate if the department finds that the pain management clinic meets the requirements of this part and that the fee required by the department has been paid.

(f) If the department finds that a pain management clinic which was issued a certificate no longer meets the requirements of this part, the department shall revoke or suspend the certificate. The pain management clinic shall be entitled to a hearing pursuant to the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5, before revocation or suspension occurs. Further, the department has the discretion to lift the suspension of a certificate when the clinic demonstrates compliance to the department.

(g) The clinic shall post the certificate in a conspicuous location so as to be clearly visible to patients.

(h) The department is authorized to charge a fee for the issuance of a certificate.

(i) The department and each board identified in § 63-1-303(b) shall post on its Web site an announcement of the requirement that a pain management clinic obtain a certificate from the department, and each board identified in § 63-1-303(b) shall include information about such requirement in a routine communication sent by each board to its licensees.

(j) A pain management clinic operating on or before the effective date of this act may continue to operate as long as an application for certification is timely filed within thirty (30) days after the department has published the application form.

(k) The department shall have the authority to adopt rules, including emergency rules if deemed necessary, to implement the provisions of this part for which the department has responsibility.

63-1-307.

(a) A certificate issued under this part expires on the second anniversary of the date it is issued.

(b) The department may grant to a pain management clinic a ninety-day grace period from the expiration date of its certificate to renew the certificate.

(c) No pain management clinic whose certificate has expired may continue to operate or provide pain management services following the expiration of the grace period.

63-1-308.

(a) A pain management clinic may apply to renew its certificate by:

(1) Submitting a renewal application to the department on the form and in a time frame prescribed by the department; and

(2) Complying with any other requirements of the department.

(b) If a certificate is not renewed before the expiration of the grace period, the clinic must reapply for a new certificate to operate the clinic and is not authorized to operate while such new certificate application is pending.

63-1-309.

(a)(1) In the application for a certificate or within ten (10) days of the occurrence of any of the events listed in (A) – (C) below, a pain management clinic shall disclose whether any person who owns, co-owns or operates, or otherwise provides services in the clinic, an employee of the clinic, or a person with whom the clinic contracts for services:

(A) Has ever been denied, by any jurisdiction, a license under which the person may prescribe, dispense, administer, supply, or sell a controlled substance;

(B) Has ever held a license issued by any jurisdiction, under which the person may prescribe, dispense, administer, supply, or sell a controlled substance, that has been restricted; or

(C) Has ever been subject to disciplinary action by any licensing entity for conduct that was the result of inappropriately prescribing, dispensing, administering, supplying, or selling a controlled substance.

(2) The department may deny a certificate or renewal of a certificate to a pain management clinic under any of the circumstances listed in subdivision (a)(1).

(b) A pain management clinic may not be owned wholly or partly by a person who has been convicted of, pled nolo contendere to, or received deferred adjudication for:

(1) An offense that constitutes a felony; or

(2) An offense that constitutes a misdemeanor, the facts of which relate to the distribution of illegal prescription drugs or a controlled substance as defined in § 39-17-402.

(c) If any practitioner providing services at a pain management clinic dispenses or prescribes more than a seventy-two hour dose of controlled substances for the treatment of chronic nonmalignant pain, the practitioner must document in the patient's record the reason for prescribing or dispensing that quantity.

(d) A medical director shall be on-site at least twenty percent (20%) of the clinic's weekly total number of operating hours.

63-1-310.

(a) A pain management clinic may accept only a check, credit card or money order in payment for services provided at the clinic, except as provided in § 63-1-310(b).

(b) A payment may be made in cash for a co-pay, coinsurance or deductible when the remainder of the charge for the services will be submitted to the patient's insurance plan for reimbursement.

63-1-311.

(a) A violation of this part, or a rule adopted under this part, is grounds for disciplinary action against a practitioner providing services at a pain management clinic certified under this part by the board which licensed that practitioner.

(b) A practitioner who provides pain management services at an uncertified pain management clinic is subject to an administrative penalty of one thousand dollars (\$1,000) per day, imposed by the board which licensed that practitioner, in accordance with the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5. Before such a penalty may be assessed by the board, the board shall give at least thirty (30) days notice to the practitioner of the alleged violation of this part.

SECTION 2. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end, the provisions of this act are declared to be severable.

SECTION 3. For purposes of promulgating rules, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect on January 1, 2012.

Senator Yager moved that the Senate concur in House Amendment No. 1 to **Senate Bill No. 1258**, which motion prevailed by the following vote:

Ayes .....	30
Noes .....	0



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Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Marrero, McNally, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--30.

A motion to reconsider was tabled.

**HOUSE AMENDMENT NO. 2**

AMEND by deleting subsection (f) of § 63-1-306 of the amendatory language of Section 1, as amended, and by substituting instead the following as a new subsection (f):

(f)(1) If the department finds that a pain management clinic which was issued a certificate no longer meets any requirement of this part, including, but not limited to, any violation of any rule promulgated by the department pursuant to this part, the department may impose lawful disciplinary action against the pain management clinic, including, but not limited to, the revocation or suspension of its certificate, and the imposition of a civil penalty of up to one thousand dollars (\$1,000) per day for each day of continued violation. The pain management clinic shall be entitled to a hearing pursuant to the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5. Further, the department has the discretion to lift the suspension of a certificate when the clinic demonstrates compliance to the department.

(2) Any board which assesses any discipline or penalty against a provider that it licenses for a violation of rules promulgated under this part shall inform the department of any penalty or discipline imposed on such a provider for a violation of rules promulgated under this part within thirty (30) days of imposing the discipline or penalty and the department may consider such discipline or penalty as a basis for disciplinary action against the pain management clinic pursuant to this subsection (f).

Senator Yager moved that the Senate concur in House Amendment No. 2 to **Senate Bill No. 1258**, which motion prevailed by the following vote:

Ayes .....	29
Noes .....	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Gresham, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Marrero, McNally, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--29.

A motion to reconsider was tabled.

**HOUSE AMENDMENT NO. 3**

AMEND by deleting in its entirety subsection (b) of Section 63-1-303 and by substituting instead the following:

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(b) On or before October 1, 2011, the Commissioner of Health, in consultation with the board of medical examiners, the board of osteopathic examination, the board of nursing, and the committee on physician assistants, shall promulgate rules necessary to implement this part, in accordance with the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5.

AND FURTHER AMEND by deleting the last sentence of Section 63-1-304, as amended.

Senator Yager moved that the Senate concur in House Amendment No. 3 to **Senate Bill No. 1258**, which motion prevailed by the following vote:

Ayes . . . . .	28
Noes . . . . .	1
Present, not voting . . .	1

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Gresham, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, McNally, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--28.

Senator voting no was: Marrero--1.

Senator present and not voting was: Ford--1.

A motion to reconsider was tabled.

Senator Ketron moved that **Senate Bill No. 16** be moved three places down on the Message Calendar for today, which motion prevailed.

Senator Barnes moved that **Senate Bill No. 1471** be rereferred to the Committee on Calendar, which motion prevailed.

**HOUSE BILL ON SENATE AMENDMENT**

**House Bill No. 546** -- Highway Signs -- As introduced, designates the "Spc. Michael Lane Stansbery, Jr.", bridge in Wilson County.

Senator Beavers moved that the Senate refuse to recede from its action in adopting Senate Amendment No. 1 to **House Bill No. 546**, which motion prevailed.

Senator Ketron moved that **Senate Bill No. 16** be placed on the next Message Calendar, which motion prevailed.

**CALENDAR**

**Senate Bill No. 520** -- Civil Procedure -- As introduced, provides that a cause of action for the death of a spouse does not pass to surviving spouse if surviving spouse abandoned deceased spouse for a period of at least two years prior to deceased spouse's death. Amends TCA Title 20, Chapter 5.

Senator Faulk declared Rule 13 on **Senate Bill No. 520**.

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Senator Overbey declared Rule 13 on **Senate Bill No. 520**.

Senator Kelsey declared Rule 13 on **Senate Bill No. 520**.

On motion, Senate Bill No. 520 was made to conform with **House Bill No. 789**.

On motion, House Bill No. 789, on same subject, was substituted for Senate Bill No. 520.

Senator Bell moved that **House Bill No. 789** be moved three places down on the Calendar for today, which motion prevailed.

**Senate Bill No. 783** -- Alcoholic Beverages -- As introduced, adds Buffalo River Resort in Perry County to the definition of premier type tourist resort for purposes of the sale of alcoholic beverages for on-premises consumption. Amends TCA Section 57-4-102.

On motion, Senate Bill No. 783 was made to conform with **House Bill No. 592**.

On motion, House Bill No. 592, on same subject, was substituted for Senate Bill No. 783.

On motion of Senator Yager, Amendment No. 1 was withdrawn.

Senator Herron moved that Amendment No. 2 be placed behind Amendment No. 3, which motion prevailed.

Senator Herron moved to amend as follows:

**AMENDMENT NO. 3**

AMEND by deleting subdivision (viii) in the amendatory language of Section 1 and by substituting instead the following:

(viii) Is located within any county having a population of not less than seven thousand six hundred (7,600) nor more than seven thousand seven hundred (7,700), according to the 2000 census or any subsequent federal census; and the legislative body of such county adopts a resolution endorsing such resort and recreational facility as a premier type tourist resort as defined in § 57-4-102(26).

On motion, Amendment No. 3 was adopted.

On motion of Senator Herron, Amendment No. 2 was withdrawn.

Thereupon, **House Bill No. 592**, as amended, passed its third and final consideration by the following vote:

Ayes .....	22
Noes .....	7

Senators voting aye were: Barnes, Berke, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Marrero, McNally, Norris, Overbey, Roberts, Stewart, Tate, Woodson, Yager and Mr. Speaker Ramsey--22.

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Senators voting no were: Beavers, Bell, Burks, Campfield, Faulk, Southerland and Summerville--7.

A motion to reconsider was tabled.

Senator Berke moved that **Senate Bill No. 803** be placed on the Calendar for Friday, May 20, 2011, which motion prevailed.

Senator Beavers moved that **Senate Bill No. 923** be placed at the heel of the Calendar for today, which motion prevailed.

**FURTHER ACTION ON HOUSE BILL NO. 789**

**House Bill No. 789** passed its third and final consideration by the following vote:

Ayes . . . . .	28
Noes . . . . .	1
Present, not voting . . .	1

Senators voting aye were: Barnes, Beavers, Bell, Burks, Campfield, Crowe, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Ketron, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--28.

Senator voting no was: Kelsey--1.

Senator present and not voting was: Faulk--1.

A motion to reconsider was tabled.

Senator Yager moved that **Senate Bill No. 1215** be placed at the heel of the Calendar for today, which motion prevailed.

**Senate Bill No. 1468** -- Schools, Home -- As introduced, makes various changes to home school requirements, including testing requirements for home school students. Amends TCA Section 49-6-3050.

On motion, Senate Bill No. 1468 was made to conform with **House Bill No. 1631**.

On motion, House Bill No. 1631, on same subject, was substituted for Senate Bill No. 1468.

On motion of Senator Gresham, Amendment No. 1 was withdrawn.

Senator Bell moved that **House Bill No. 1631** be considered first on the Calendar after the recess, which motion prevailed.

**MOTION**

Senator Beavers moved that **Senate Bill No. 923** be considered second on the Calendar after the recess, which motion prevailed.

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**MOTION**

Senator Finney moved that Rule 39 be suspended for the purpose of allowing all Amendments to **Senate Bills Nos. 1518, 1519, 2090, 2091, 2093, 2094 and 2117** filed by 4:00 p.m., on Thursday, May 19, 2011, to be considered timely, which motion prevailed.

**RECESS**

Senator Norris moved the Senate stand in recess until 4:00 p.m., which motion prevailed.

**CALL TO ORDER**

The Senate was called to order by Mr. Speaker Ramsey.

**ROLL CALL**

The Speaker declared that a quorum was present.

On motion, the roll call was dispensed with.

**RECESS**

Mr. Speaker Ramsey moved the Senate stand in recess until 6:00 p.m., which motion prevailed.

**CALL TO ORDER**

The Senate was called to order by Mr. Speaker Ramsey.

**ROLL CALL**

The Speaker declared that a quorum was present.

On motion, the roll call was dispensed with.

**STANDING COMMITTEE REPORT**

**FINANCE, WAYS AND MEANS**

MR. SPEAKER: Your Committee on Finance, Ways and Means begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 353 with amendment, 874, 1420, 1518 with amendment, 1519 with amendment, 1669 with amendment, 1798 with amendment, 1850 with amendment, 1993, 2017, 2090 with amendment, 2091 with amendment, 2093, 2094 with amendment and 2117; and Senate Joint Resolutions Nos. 141 and 222.

MCNALLY, Chairperson  
May 19, 2011

The Speaker announced that he had referred Senate Bills Nos. 353 with amendment, 874, 1420, 1518 with amendment, 1519 with amendment, 1669 with amendment, 1798 with amendment,

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1850 with amendment, 1993, 2017, 2090 with amendment, 2091 with amendment, 2093, 2094 with amendment and 2117; and Senate Joint Resolutions Nos. 141 and 222 to the Committee on Calendar.

**NOTICE**

**MESSAGE FROM THE HOUSE**

May 19, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 113, substituted for House Bill on same subject, amended, and passed by the House.

JOE MCCORD,  
Chief Clerk.

**MOTION**

Senator Faulk moved that Rule 19, Rule 32, Rule 33 and Rule 38 be suspended for the purpose of making and considering Consent Calendar No. 3 consisting of the following resolutions: **Senate Joint Resolutions Nos. 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 420, 421, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452 and 453; Senate Resolutions Nos. 51, 52, 53, 54, 55, 56, 57, 58, 59, 61, 62 and 63; and House Joint Resolutions Nos. 439, 441, 443, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496 and 497**, which motion prevailed.

**CONSENT CALENDAR NO. 3**

**Senate Joint Resolution No. 370** -- Memorials, Interns -- Lochie Elizabeth Landolt.

**Senate Joint Resolution No. 371** -- Memorials, Congratulations -- Booker T. Washington High School, 2011 Race to the Top Commencement Challenge winner.

**Senate Joint Resolution No. 372** -- Memorials, Congratulations -- Booker T. Washington High School, 2011 Race to the Top Commencement Challenge winner.

**Senate Joint Resolution No. 373** -- Memorials, Interns -- Katheryn Anderson.

**Senate Joint Resolution No. 374** -- Memorials, Academic Achievement -- Lindsay Alanna Doss, Salutatorian, Gallatin High School.

**Senate Joint Resolution No. 375** -- Memorials, Academic Achievement -- Amelia Marie Elizabeth Mimms, Valedictorian, Gallatin High School.

**Senate Joint Resolution No. 376** -- Memorials, Academic Achievement -- Darrian MacKenzie Bruce, Valedictorian, Gallatin High School.

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**Senate Joint Resolution No. 377** -- Memorials, Academic Achievement -- Morghan Victoria Parker, Valedictorian, Portland High School.

**Senate Joint Resolution No. 378** -- Memorials, Academic Achievement -- Kelsey Cheyenne Porter, Salutatorian, Portland High School.

**Senate Joint Resolution No. 379** -- Memorials, Interns -- Nikita Lea Graham.

**Senate Joint Resolution No. 380** -- Memorials, Retirement -- Herb Handly.

**Senate Joint Resolution No. 381** -- Memorials, Retirement -- Reverend Rick Kirchoff.

**Senate Joint Resolution No. 382** -- Memorials, Academic Achievement -- Hunter James Martin, Salutatorian, Greenfield High School.

**Senate Joint Resolution No. 383** -- Memorials, Academic Achievement -- Ryan Wesley Clark, Valedictorian, Greenfield High School.

**Senate Joint Resolution No. 384** -- Memorials, Sports -- Lake County High School boys' basketball team, TSSAA Class A State Champions.

**Senate Joint Resolution No. 385** -- Memorials, Academic Achievement -- Derek Hoyt Giffin, Salutatorian, South Fulton High School.

**Senate Joint Resolution No. 386** -- Memorials, Academic Achievement -- Paxton Kimber Sisson, Valedictorian, South Fulton High School.

**Senate Joint Resolution No. 387** -- Memorials, Death -- Alfred Martin Creswell.

**Senate Joint Resolution No. 388** -- Memorials, Academic Achievement -- Kelsi Breanna Clark, Valedictorian, Houston County High School.

**Senate Joint Resolution No. 389** -- Memorials, Academic Achievement -- Mariana Maka-Renee Hagler, Valedictorian, Houston County High School.

**Senate Joint Resolution No. 390** -- Memorials, Academic Achievement -- Chelsea Brooke Spurgeon, Valedictorian, Houston County High School.

**Senate Joint Resolution No. 391** -- Memorials, Academic Achievement -- Lindsey Danielle Wyatt, Salutatorian, Houston County High School.

**Senate Joint Resolution No. 392** -- Memorials, Academic Achievement -- Piper Danielle Black, Valedictorian, Houston County High School.

**Senate Joint Resolution No. 393** -- Memorials, Academic Achievement -- Brooke Nicole Torres, Valedictorian, Houston County High School.

**Senate Joint Resolution No. 394** -- Memorials, Academic Achievement -- Clarissa Belle Pulley, Valedictorian, Houston County High School.

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**Senate Joint Resolution No. 395** -- Memorials, Academic Achievement -- Megan Kay Hasse, Valedictorian, Harpeth High School.

**Senate Joint Resolution No. 396** -- Memorials, Academic Achievement -- Michael Andrew Newton, Valedictorian, Harpeth High School.

**Senate Joint Resolution No. 397** -- Memorials, Academic Achievement -- Taylor Michelle Winkler, Valedictorian, Harpeth High School.

**Senate Joint Resolution No. 398** -- Memorials, Academic Achievement -- Emily Jane Johnson, Salutatorian, Harpeth High School.

**Senate Joint Resolution No. 399** -- Memorials, Academic Achievement -- Megan Danielle Nicholson, Valedictorian, Cheatham County Central High School.

**Senate Joint Resolution No. 400** -- Memorials, Academic Achievement -- Emily Rebecca Bowman, Salutatorian, Cheatham County Central High School.

**Senate Joint Resolution No. 401** -- Memorials, Academic Achievement -- David Benjamin Bell, Valedictorian, Sycamore High School.

**Senate Joint Resolution No. 402** -- Memorials, Academic Achievement -- Josiah Duff Brown, Salutatorian, Sycamore High School.

**Senate Joint Resolution No. 403** -- Memorials, Academic Achievement -- Nicole Isabella Santoyo, Valedictorian, Academy for Academic Excellence.

**Senate Joint Resolution No. 404** -- Memorials, Academic Achievement -- Jessica Kai-Lin Huang, Valedictorian, Clarksville Academy.

**Senate Joint Resolution No. 405** -- Memorials, Academic Achievement -- Malcolm Thomas Black, Salutatorian, Clarksville Academy.

**Senate Joint Resolution No. 406** -- Memorials, Academic Achievement -- Tiffany Anne Donner, Valedictorian, Northeast High School.

**Senate Joint Resolution No. 407** -- Memorials, Academic Achievement -- Benjamin Gene Geering, Salutatorian, Northeast High School.

**Senate Joint Resolution No. 408** -- Memorials, Academic Achievement -- Emily Marie Travis, Valedictorian, Northwest High School.

**Senate Joint Resolution No. 409** -- Memorials, Academic Achievement -- Ethan Wayne Bisgaard, Salutatorian, Northwest High School.

**Senate Joint Resolution No. 410** -- Memorials, Academic Achievement -- Amber Lynn Kearns, Valedictorian, Rossview High School.

**Senate Joint Resolution No. 411** -- Memorials, Academic Achievement -- Jason Lou Giaffo, Salutatorian, Rossview High School.



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**Senate Joint Resolution No. 412** -- Memorials, Academic Achievement -- Veronica Cordova, Valedictorian, West Creek High School.

**Senate Joint Resolution No. 413** -- Memorials, Academic Achievement -- Elodie Denise Kruk, Salutatorian, West Creek High School.

**Senate Joint Resolution No. 414** -- Memorials, Academic Achievement -- Robert Lucian Habersetzer III, Valedictorian, Montgomery Central High School.

**Senate Joint Resolution No. 415** -- Memorials, Academic Achievement -- Gene Charles Hall, Salutatorian, Montgomery Central High School.

**Senate Joint Resolution No. 416** -- Memorials, Interns -- J. Tyler Whaley.

**Senate Joint Resolution No. 417** -- Memorials, Recognition -- Camp Country Lad, 50th anniversary.

**Senate Joint Resolution No. 418** -- Memorials, Interns -- Jacob Morgan.

**Senate Joint Resolution No. 420** -- Memorials, Interns -- Charles Burns.

**Senate Joint Resolution No. 421** -- Memorials, Death -- Sharon Trammell.

**Senate Joint Resolution No. 423** -- Memorials, Professional Achievement -- Kim Vann, 2010-2011 Wilson County Teacher of the Year.

**Senate Joint Resolution No. 424** -- Memorials, Retirement -- Dr. Donald E. Miller.

**Senate Joint Resolution No. 425** -- Memorials, Death -- Dr. Martha Wade Green.

**Senate Joint Resolution No. 426** -- Memorials, Interns -- Thomas Whisenant.

**Senate Joint Resolution No. 427** -- Memorials, Interns -- Alex Jones.

**Senate Joint Resolution No. 428** -- Memorials, Academic Achievement -- Danielle Lynn Lamb, Valedictorian, Dresden High School.

**Senate Joint Resolution No. 429** -- Memorials, Academic Achievement -- Joy Wharton, Salutatorian, Dresden High School.

**Senate Joint Resolution No. 430** -- Memorials, Retirement -- Phil Armor.

**Senate Joint Resolution No. 431** -- Memorials, Recognition -- Metro Baptist Church of Goodlettsville, 35th anniversary.

**Senate Joint Resolution No. 432** -- Memorials, Sports -- Blake Geoffrion.

**Senate Joint Resolution No. 433** -- Memorials, Sports -- Memphis Grizzlies.

**Senate Joint Resolution No. 434** -- Memorials, Death -- Lt. Col. Frank Bryant, Jr., U.S. Air Force.

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**Senate Joint Resolution No. 435** -- Memorials, Interns -- Jarrett Jordan.

**Senate Joint Resolution No. 440** -- Memorials, Academic Achievement -- Christina Ramsay, Valedictorian, Merrol Hyde Magnet School.

**Senate Joint Resolution No. 441** -- Memorials, Academic Achievement -- Branson Lankster, Valedictorian, Merrol Hyde Magnet School.

**Senate Joint Resolution No. 442** -- Memorials, Death -- Amon Carter Evans.

**Senate Joint Resolution No. 443** -- Memorials, Academic Achievement -- Yong Yang, Valedictorian, Tennessee Governor's Academy.

**Senate Joint Resolution No. 444** -- Memorials, Academic Achievement -- Mark Maloney, Salutatorian, Tennessee Governor's Academy.

**Senate Joint Resolution No. 445** -- Memorials, Recognition -- Jennie Patton.

**Senate Joint Resolution No. 446** -- Memorials, Death -- Allen Wilson Wallace.

**Senate Joint Resolution No. 447** -- Memorials, Recognition -- Wade Hampton Sides.

**Senate Joint Resolution No. 448** -- Memorials, Recognition -- Martin Middle School cheerleading squad, UCA Junior High Championship.

**Senate Joint Resolution No. 449** -- Memorials, Academic Achievement -- James Monroe Owen, Salutatorian, Gleason High School.

**Senate Joint Resolution No. 450** -- Memorials, Academic Achievement -- Benjamin Tyler Rollins, Valedictorian, Gleason High School.

**Senate Joint Resolution No. 451** -- Memorials, Personal Occasion -- Austin and Vera Cook, 50th wedding anniversary.

**Senate Joint Resolution No. 452** -- Memorials, Sports -- Union University golf team, TranSouth Athletic Conference Champions.

**Senate Joint Resolution No. 453** -- Memorials, Congratulations -- Madison Academic Magnet High School Decathlon Team, 2011 National Champions.

**Senate Resolution No. 51** -- Memorials, Death -- Joshua Ragsdale.

**Senate Resolution No. 52** -- Memorials, Personal Occasion -- Senator Douglas Henry, Jr., 85th birthday.

**Senate Resolution No. 53** -- Memorials, Recognition -- Brian Lott, Ben Lott, Jennifer Sternthal, Larry Grub, Maja Mullen, and Lourdes York.

**Senate Resolution No. 54** -- Memorials, Interns -- Amber McCullough.

**Senate Resolution No. 55** -- Memorials, Interns -- Cesar Arbelaez.

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**Senate Resolution No. 56** -- Memorials, Sports -- Victoria Essence Rose Dunlap, drafted by the WNBA's Washington Mystics.

**Senate Resolution No. 57** -- Memorials, Interns -- Wynita J. Mock.

**Senate Resolution No. 58** -- Memorials, Interns -- Michael Herald.

**Senate Resolution No. 59** -- Memorials, Death -- Valerie Glover Garza.

**Senate Resolution No. 61** -- Memorials, Recognition -- Landon Pritchard.

**Senate Resolution No. 62** -- Memorials, Recognition -- Chad Clifton, member of the Green Bay Packers, 2011 Super Bowl Champions.

**Senate Resolution No. 63** -- Memorials, Death -- Duke Harris Brasfield.

**House Joint Resolution No. 439** -- Memorials, Interns -- Krysten Velloff.

**House Joint Resolution No. 441** -- Memorials, Retirement -- Judy Hardister.

**House Joint Resolution No. 443** -- Memorials, Recognition -- Tierney Bourage.

**House Joint Resolution No. 445** -- Memorials, Professional Achievement -- Judith King Barth, Ms. Tennessee Senior America 2011.

**House Joint Resolution No. 446** -- Memorials, Congratulations -- Paige Nicole Jordan, "Doodle 4 Google" contest winner.

**House Joint Resolution No. 447** -- Memorials, Congratulations -- Cristine Victoria Moore, "Doodle 4 Google" contest winner.

**House Joint Resolution No. 448** -- Memorials, Interns -- Daniel Raphael Patterson.

**House Joint Resolution No. 449** -- Memorials, Recognition -- 81st Burge Family and Friends Reunion.

**House Joint Resolution No. 450** -- Memorials, Academic Achievement -- Claire Janelle Jones, Valedictorian, Seymour High School.

**House Joint Resolution No. 451** -- Memorials, Academic Achievement -- Shaelyn Reed Brown, Valedictorian, Seymour High School.

**House Joint Resolution No. 452** -- Memorials, Academic Achievement -- Sara Denise Fuller, Valedictorian, Seymour High School.

**House Joint Resolution No. 453** -- Memorials, Academic Achievement -- Skyler Ross Brown, Valedictorian, Seymour High School.

**House Joint Resolution No. 454** -- Memorials, Academic Achievement -- Chelsea Olivia Foltz, Valedictorian, Seymour High School.

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**House Joint Resolution No. 455** -- Memorials, Academic Achievement -- Corey Douglas Clark, Valedictorian, Seymour High School.

**House Joint Resolution No. 456** -- Memorials, Academic Achievement -- Luke Montgomery Hall, Valedictorian, Seymour High School.

**House Joint Resolution No. 457** -- Memorials, Academic Achievement -- Katie Alicia Hurton, Valedictorian, Seymour High School.

**House Joint Resolution No. 458** -- Memorials, Recognition -- National State Teachers of the Year Service Projects, June 15-17, 2011, in Sevier County.

**House Joint Resolution No. 459** -- Memorials, Academic Achievement -- Mariah Grace Melancon, Salutatorian, Seymour High School.

**House Joint Resolution No. 460** -- Memorials, Academic Achievement -- Timothy Travis Jones, Valedictorian, Seymour High School.

**House Joint Resolution No. 461** -- Memorials, Academic Achievement -- Leslie Kayla Messel, Salutatorian, Seymour High School.

**House Joint Resolution No. 462** -- Memorials, Academic Achievement -- Alexandre Martins Horton, Salutatorian, Seymour High School.

**House Joint Resolution No. 463** -- Memorials, Academic Achievement -- David Martin Webb, Valedictorian, Seymour High School.

**House Joint Resolution No. 464** -- Memorials, Academic Achievement -- Jodie Lee Wood, Valedictorian, Seymour High School.

**House Joint Resolution No. 465** -- Memorials, Academic Achievement -- Joshua Logan Pickett, Valedictorian, Seymour High School.

**House Joint Resolution No. 466** -- Memorials, Academic Achievement -- Samuel Lee Thomas, Valedictorian, Seymour High School.

**House Joint Resolution No. 467** -- Memorials, Interns -- Krysten Velloff.

**House Joint Resolution No. 468** -- Memorials, Recognition -- Pat Waggoner.

**House Joint Resolution No. 469** -- Memorials, Death -- Roger L. Huntley.

**House Joint Resolution No. 470** -- Memorials, Recognition -- Cody Cogdill, Nestle Pure Life "Every Drop Counts" Earth Science Scholarship.

**House Joint Resolution No. 471** -- Memorials, Personal Occasion -- David and Paula Sedgwick, 50th wedding anniversary.

**House Joint Resolution No. 472** -- Memorials, Academic Achievement -- Lindsay Doss, Salutatorian, Gallatin High School.

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**House Joint Resolution No. 473** -- Memorials, Academic Achievement -- Amelia Marie Elizabeth Mimms, Valedictorian, Gallatin High School.

**House Joint Resolution No. 474** -- Memorials, Interns -- Jermaine Johnson.

**House Joint Resolution No. 475** -- Memorials, Interns -- Mitchell Ryan McConnell.

**House Joint Resolution No. 476** -- Memorials, Academic Achievement -- Garrett Emberton, Nestle Waters "Every Drop Counts" Scholarship.

**House Joint Resolution No. 477** -- Memorials, Recognition -- Maverick Hesson, Nestle Waters Service Scholarship.

**House Joint Resolution No. 478** -- Memorials, Academic Achievement -- Trevor Russell, Nestle Waters "Every Drop Counts" Scholarship.

**House Joint Resolution No. 479** -- Memorials, Recognition -- Keanna Peck, Nestle Waters Service Scholarship.

**House Joint Resolution No. 481** -- Memorials, Recognition -- Lionel Hollins.

**House Joint Resolution No. 482** -- Memorials, Recognition -- Reverend Arnold W. Joyner.

**House Joint Resolution No. 483** -- Memorials, Recognition -- Dedication of the William R. Carter Memorial Bridge.

**House Joint Resolution No. 484** -- Memorials, Interns -- Courtney Harris.

**House Joint Resolution No. 485** -- Memorials, Academic Achievement -- Michelle Lynn Kelly, Valedictorian, Pigeon Forge High School.

**House Joint Resolution No. 486** -- Memorials, Academic Achievement -- Sarah Nancy Carr, Valedictorian, Pigeon Forge High School.

**House Joint Resolution No. 487** -- Memorials, Academic Achievement -- Sarah Marie Clabo, Valedictorian, Pigeon Forge High School.

**House Joint Resolution No. 488** -- Memorials, Academic Achievement -- Bethany Gean Harkness, Salutatorian, Pigeon Forge High School.

**House Joint Resolution No. 489** -- Memorials, Academic Achievement -- Brittani Kimberlyn Edge, Valedictorian, Pigeon Forge High School.

**House Joint Resolution No. 490** -- Memorials, Academic Achievement -- Jared Anthony Cantrell, Salutatorian, Pigeon Forge High School.

**House Joint Resolution No. 491** -- Memorials, Recognition -- Jackson Madison Chapter National Society of Daughters of the American Revolution, "Our Field of Flags".

**House Joint Resolution No. 492** -- Memorials, Public Service -- Lynda and Greg Van Hook.

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**House Joint Resolution No. 493** -- Memorials, Interns -- Xiao Jing Zhu.

**House Joint Resolution No. 494** -- Memorials, Professional Achievement -- Jennifer Malone, Eastern Region Value Added Principal of the Year.

**House Joint Resolution No. 495** -- Memorials, Retirement -- Dr. Keith Hickey.

**House Joint Resolution No. 496** -- Memorials, Recognition -- Honors the May 21, 2011, dedication of the new National Headquarters of The Imperial Court Daughters of Isis, Auxiliary of the Ancient Egyptian Arabic Order Nobles Mystic Shrine of North and South America, located in Memphis, Tennessee.

**House Joint Resolution No. 497** -- Memorials, Academic Achievement -- Courtney Leigh Moore, Graduate with High Honors, Sycamore High School.

Senator Faulk moved that all Senate Joint Resolutions and Senate Resolutions be adopted; and all House Joint Resolutions be concurred in, which motion prevailed by the following vote:

Ayes .....	31
Noes .....	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

**CALENDAR**

**FURTHER ACTION ON HOUSE BILL NO. 1631**

Thereupon, **House Bill No. 1631** passed its third and final consideration by the following vote:

Ayes .....	25
Noes .....	7

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Gresham, Johnson, Kelsey, Ketron, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--25.

Senators voting no were: Ford, Harper, Haynes, Henry, Herron, Marrero and Tate--7.

A motion to reconsider was tabled.

**Senate Bill No. 923** -- Election Laws -- As introduced, lowers the early voting period to seven days instead of five prior to an election and, except for years in which a presidential election is held, lessens the total number of days to not more than 10 nor less than seven days for counties having a population of 20,500 or less. Amends TCA Title 2, Chapter 6.

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Senator Yager moved that Amendment No. 1 be placed behind Amendment No. 9, which motion prevailed.

Senator Marrero moved that Amendment No. 2 be placed behind Amendment No. 1, which motion prevailed.

Senator Henry moved that Amendment No. 3 be placed behind Amendment No. 2, which motion prevailed.

Senator Stewart moved that Amendment No. 4 be placed at the heel of the Amendments, which motion prevailed.

Senator Herron moved that Amendment No. 5 be placed at the heel of the Amendments, which motion prevailed.

Senator Overbey moved that Amendment No. 6 be placed at the heel of the Amendments, which motion prevailed.

Senator Kyle moved that Amendment No. 7 be placed at the heel of the Amendments, which motion prevailed.

Senator Finney moved that Amendment No. 8 be placed at the heel of the Amendments, which motion prevailed.

Senator Beavers moved to amend as follows:

**AMENDMENT NO. 9**

AMEND by deleting all language following the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 2-6-102, is amended by adding the following as a new subsection thereto:

(c) Notwithstanding subdivision (a)(1), when a presidential preference primary is held or an election is held at the same time as a presidential preference primary, a voter who desires to vote early for such elections shall go to the county election commission office within the posted hours not more than twenty (20) days nor less than seven (7) days before the day of the election.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 9 was adopted.

On motion of Senator Yager, Amendment No. 1 was withdrawn.

Senator Marrero moved to amend as follows:

**AMENDMENT NO. 2**

AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION \_\_\_\_\_. The provisions of this act shall not apply in any county having a population of not less than eight hundred ninety-seven thousand four hundred (897,400) nor more than eight hundred ninety-seven thousand five hundred (897,500) according to the 2000 federal census or any subsequent federal census.

Senator Beavers moved that Amendment No. 2 go to the table, which motion prevailed by the following vote:

Ayes ..... 20  
Noes ..... 13

Senators voting aye were: Beavers, Bell, Campfield, Crowe, Faulk, Gresham, Johnson, Kelsey, Ketron, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--20.

Senators voting no were: Barnes, Berke, Burks, Finney, Ford, Harper, Haynes, Henry, Herron, Kyle, Marrero, Stewart and Tate--13.

On motion of Senator Henry, Amendment No. 3 was withdrawn.

Senator Stewart moved to amend as follows:

**AMENDMENT NO. 4**

AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION \_\_\_\_\_. The provisions of this act shall not apply in counties having a population, according to the 2000 federal census or any subsequent federal census of:

<u>not less than</u>	<u>nor more than</u>
12,300	12,368
48,000	48,100
39,200	39,300
14,300	14,400
11,369	11,450
5,500	5,600
38,200	38,300

Senator Beavers moved that Amendment No. 4 go to the table, which motion prevailed by the following vote:

Ayes ..... 20  
Noes ..... 13



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Senators voting aye were: Beavers, Bell, Campfield, Crowe, Faulk, Gresham, Johnson, Kelsey, Ketron, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--20.

Senators voting no were: Barnes, Berke, Burks, Finney, Ford, Harper, Haynes, Henry, Herron, Kyle, Marrero, Stewart and Tate--13.

Senator Herron moved to amend as follows:

**AMENDMENT NO. 5**

AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION \_\_\_\_\_. The provisions of this act shall not apply in counties having a population, according to the 2000 federal census or any subsequent federal census of:

<u>not less than</u>	<u>nor more than</u>
16,500	16,575
11,700	11,800
25,450	25,550
31,100	31,200
7,900	7,970
32,400	32,500
7,600	7,700
12,369	12,450
34,800	34,900

Senator Beavers moved that Amendment No. 5 go to the table, which motion prevailed by the following vote:

Ayes .....	20
Noes .....	13

Senators voting aye were: Beavers, Bell, Campfield, Crowe, Faulk, Gresham, Johnson, Kelsey, Ketron, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--20.

Senators voting no were: Barnes, Berke, Burks, Finney, Ford, Harper, Haynes, Henry, Herron, Kyle, Marrero, Stewart and Tate--13.

On motion of Senator Overbey, Amendment No. 6 was withdrawn.

On motion of Senator Kyle, Amendment No. 7 was withdrawn.

On motion of Senator Finney, Amendment No. 8 was withdrawn.

Thereupon, **Senate Bill No. 923**, as amended, passed its third and final consideration by the following vote:

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Ayes . . . . . 21  
Noes . . . . . 12

Senators voting aye were: Beavers, Bell, Campfield, Crowe, Faulk, Gresham, Henry, Johnson, Kelsey, Ketron, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--21.

Senators voting no were: Barnes, Berke, Burks, Finney, Ford, Harper, Haynes, Herron, Kyle, Marrero, Stewart and Tate--12.

A motion to reconsider was tabled.

**Senate Bill No. 1845** -- Real Property -- As introduced, enacts the "Prohibition of Covenants Providing for Transfer Fees Act of 2011". Amends TCA Title 66.

Senator Overbey declared Rule 13 on **Senate Bill No. 1845**.

On motion, Senate Bill No. 1845 was made to conform with **House Bill No. 1644**.

On motion, House Bill No. 1644, on same subject, was substituted for Senate Bill No. 1845.

On motion of Senator Beavers, Amendment No. 1 was withdrawn.

On motion of Senator Beavers, Amendment No. 2 was withdrawn.

Thereupon, **House Bill No. 1644** passed its third and final consideration by the following vote:

Ayes . . . . . 32  
Noes . . . . . 1

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--32.

Senator voting no was: Campfield--1.

A motion to reconsider was tabled.

**MOTION**

Senator Norris moved that Rule 19 and Rule 44 be suspended for the purpose of considering Message Calendar No. 2 next, which motion prevailed.

**MESSAGE CALENDAR NO. 2**

**SENATE BILL ON HOUSE AMENDMENT**

**Senate Bill No. 113** -- Teachers, Principals and School Personnel -- As introduced, abolishes teachers' unions ability to negotiate terms and conditions of professional service with local boards of education. Amends TCA Section 5-23-107 and Title 49.

**HOUSE AMENDMENT NO. 1**

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. It is intent of the general assembly that the provisions of this act shall not lessen or diminish salaries levels or retirement benefits established for licensed personnel as of the effective date of this act.

SECTION 2. Tennessee Code Annotated, Section 49-5-602, is amended by deleting subdivisions (6), (9), (11) and (12) in their entirety and by substituting instead the following:

(6) "Memorandum of agreement" means a written memorandum of understanding arrived at by the representatives of the board of education and a teachers' union, which shall be presented in its entirety to the board of education and to all professional employees covered by the memorandum, whether members of the teachers' union or not, for ratification or rejection;

(9) "Negotiator" means the person or persons selected by the board of education and the recognized professional employees' organization to do the negotiating. The board may select the director of schools, any member of the board or any member of the management team. The professional employees' organization may select from among those who are members of the organization; provided, that the organization shall not select more members than the number selected by the board of education;

(11) "Professional employee" included any person employed by the local board of education in a position that requires a license issued by the Department of Education for service in public elementary and secondary schools of this state, supported, in whole or in part, by local, state or federal funds, but shall not include any member of the management team or a retired teacher who is employed as a teacher in accordance with Title 8, Chapter 36, Part 8;

(12) "Professional employees' organization" means any organization with membership open to professional employees, as defined in subdivision (11), in which the employees participate and that exists for the purpose of promoting the professional status and growth of educators and the welfare of students. The organizations may establish reasonable rules and regulations for conducting business, including provisions for the dismissal of individuals from membership;

SECTION 3. Tennessee Code Annotated, Section 49-5-602, is amended by adding the following language as new, appropriately designated subdivisions:

( ) "Management team" means employees who devote a majority of their time to the systemwide area or areas of professional personnel management, fiscal affairs or general management and principals, assistant principals, supervisors and others whose principal responsibilities are administration rather than teaching;

( ) "Supervisor" means any professional employee of a local board of education whose full-time job responsibilities consists of oversight of other professional employees or curriculum development or both;

( ) "Teachers' union", "union" or "recognized professional employees' organization" means a professional employees' organization that, in addition to promoting the professional status and growth of educators and the welfare of students, is recognized under § 49-5-605 to negotiate with a local board of education concerning, but not limited to, grievances, wages, hours of employment or conditions of work;

( ) "Working conditions of professional employees" or "terms and conditions of professional service" means those fundamental matters that affect a professional employee financially or the employee's employment relationship with the board of education;

SECTION 4. Tennessee Code Annotated, Section 49-5-611, is amended by adding the following language as a new subsection (c):

(c) The following conditions of employment shall not be subject to negotiations between the board of education and the teachers' union:

(1) Differentiated pay plans and other incentive compensation programs, including stipends, and associated benefits that are based on professional employee performance which is above expectations or that aid in hiring and retaining highly qualified teachers for hard to staff schools and subject areas;

(2) Expenditure of grants or awards from federal, state or local governments and foundations or other private organizations;

(3) Evaluation of professional employees pursuant to federal or state law or State Board of Education policy;

(4) Salaries, benefits, staffing decisions and State Board of Education or local board of education policies relating to innovative educational programs under § 49-1-207, innovative high school programs under Title 49, Chapter 15, virtual education programs under Title 49, Chapter 16 and other programs for innovative schools or school districts that may be enacted by the general assembly; and

(5) All personnel decisions concerning assignment of professional employees, including, but not limited to, filling of vacancies, assignments to specific schools, positions, professional duties, transfers within the system, layoffs and reductions in force, and recall. No agreement shall include provisions that require personnel decisions to be determined on the basis of seniority or length of service.

SECTION 5. Tennessee Code Annotated, Section 49-3-306(h), is amended by deleting the language "and in compliance with § 49-5-611" and by adding the following sentence at the end of the subsection:

Differentiated pay plans or incentive compensation programs and their associated benefits developed under this subsection after the expiration of any contract negotiated before July 1, 2011, between a local board of education and a teachers'

union pursuant to the Education Professional Negotiations Act, Title 49, Chapter 5, Part 6, that contains provisions concerning differentiated pay plans or incentive compensation programs or if no such contract exists, on or after July 1, 2011, shall not be subject to negotiation under the Education Professional Negotiations Act.

SECTION 6. Tennessee Code Annotated, Section 49-5-608, is amended by deleting the section in its entirety.

SECTION 7. Tennessee Code Annotated, Section 49-5-607(a), is amended by deleting the language "bearing the signatures of a majority of the professional employees" and by substituting instead the language "bearing the signatures of thirty percent (30%) or more of the professional employees".

SECTION 8. Tennessee Code Annotated, Section 49-5-605(b)(4), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(4) A majority vote of those eligible to vote shall be required to secure representation by a professional employees' organization. The secret ballot shall provide for a person to vote for no representation by any professional employees' organization.

SECTION 9. Tennessee Code Annotated, Section 49-5-605, is amended by deleting subsection (c) in its entirety and by substituting instead the following language:

(c)(1) The initial recognition shall be for twenty-four (24) months. The recognition may be extended for additional twenty-four (24) month periods if, between October 1 and October 15 of the second twelve (12) months of any recognition period, the teachers' union demonstrates that a majority of the professional employees of the local board of education belong to the union as full dues paying members. The union's demonstration shall be made by showing that the number of members whose dues are paid through payroll deduction plus the number of members who pay dues through methods other than payroll deduction is greater than fifty percent (50%) of the total number of the local board's professional employees. A member's payment of dues by means other than payroll deduction shall be verified through proof of receipt of payment.

(2) If a teachers' union fails under subdivision (c)(1) to demonstrate that a majority of the professional employees of the local board of education belong to the union as full dues paying members, then the teachers' union may not submit a new request for recognition under subsections (a) and (b) before October 1 of the next year.

SECTION 10. Tennessee Code Annotated, Section 49-5-609(a), is amended by deleting subdivision (4) in its entirety and by substituting instead the following:

(4) Refuse to permit a professional employees' organization to have access at reasonable times before or after the instructional day to areas in which professional employees work, to use institutional bulletin boards, mail boxes or other

communication media or to use institutional facilities as permitted by a local board's policy or procedure for community use at reasonable times for the purpose of holding a meeting concerned with the exercise of the rights guaranteed by this part;

SECTION 11. Tennessee Code Annotated, Section 49-5-609(b), is amended by adding the following language as a new subdivision (8):

(8) Coerce or attempt to intimidate professional employees who choose not to join the recognized bargaining organization.

SECTION 12. Tennessee Code Annotated, Section 49-5-611(a), is amended by adding the following sentence at the beginning of the subsection:

A local board of education shall be required to negotiate with the recognized professional employees' organization only those conditions of employment for which the responsibility or performance requires the professional employee to be licensed by the Department of Education.

SECTION 13. Tennessee Code Annotated, Section 49-5-611(a), is amended by deleting subdivision (8) in its entirety.

SECTION 14. Tennessee Code Annotated, Section 49-5-611, is amended by adding the following language as a new, appropriately designated subsection:

( ) The director of schools shall be permitted to communicate with professional employees employed by the local board of education concerning any subject relevant to the operation of the school system, including conditions of professional employees' employment that are within the scope of negotiations, through any means, medium or format the director chooses.

SECTION 15. Tennessee Code Annotated, Section 49-5-612(b), is amended by deleting the following language:

If either governing authority rejects or modifies any part of a proposed memorandum, the matter shall be returned to the parties for further negotiation.

SECTION 16. Tennessee Code Annotated, Section 49-2-301(b)(1)(EE), is amended by deleting the language ", board policies and locally negotiated agreements" and by substituting instead the language "and board policies".

SECTION 17. Tennessee Code Annotated, Section 49-2-301(b)(1)(EE), is further amended by deleting the last sentence of the subdivision.

SECTION 18. Tennessee Code Annotated, Section 49-5-510, is amended by deleting the language "and any locally negotiated agreement".

SECTION 19. Tennessee Code Annotated, Section 49-5-511(b)(3), is amended by deleting the language "and any locally negotiated agreement".

SECTION 20. Tennessee Code Annotated, Section 49-5-611(a)(5), is amended by adding the following language at the end of the subdivision:

except those working conditions which are prescribed by general law, private act or rules and regulations of the State Board of Education or the Department of Education;

SECTION 21. Tennessee Code Annotated, Section 49-5-601(b)(3), is amended by deleting the words "professional employee organizations" and by substituting instead the words "professional employees' organizations or teachers' unions".

SECTION 22. Tennessee Code Annotated, Section 49-5-601(b)(6), is amended by deleting the words "professional employee organization" and by substituting instead the words "professional employees' organization or teachers' union".

SECTION 23. Tennessee Code Annotated, Section 49-5-602, is amended by deleting the language "recognized professional employees' organization" wherever it appears in subdivisions (5) and (8) and by substituting instead the language "teachers' union".

SECTION 24. Tennessee Code Annotated, Section 49-5-602(9), is amended by deleting the language "professional employees' organization" wherever it appears and by substituting instead the language "teachers' union" and by deleting the words "the organization" and by substituting instead the words "the union".

SECTION 25. Tennessee Code Annotated, Section 49-5-602(10), is amended by adding the language ", unions" after the word "associations".

SECTION 26. Tennessee Code Annotated, Section 49-5-602(13), is further amended by adding the language "union", between the language "persons", and the word "organization".

SECTION 27. Tennessee Code Annotated, Section 49-5-603, is amended by adding the language "or unions" between the word "organizations" and the punctuation ",".

SECTION 28. Nothing in this act shall be construed to abridge or impair a contract or agreement governing terms and conditions of professional service entered into by a board of education and a recognized professional employees' organization under the Education Professional Negotiations Act before the effective date of this act. Any such contract or agreement shall remain in full force and effect until the expiration of the contract or agreement.

SECTION 29. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 30. This act shall take effect July 1, 2011, the public welfare requiring it.

Senator Johnson moved that the Senate nonconcur in House Amendment No. 1 to **Senate Bill No. 113**, which motion prevailed.

#### HOUSE AMENDMENT NO. 9

AMEND by deleting the language "Salaries, benefits, staffing" from subdivision (c)(4) of the amendatory language of Section 4 and by substituting instead the language "Staffing".

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AND FURTHER AMEND by deleting Sections 12, 13 and 15 in their entireties.

Senator Johnson moved that the Senate nonconcur in House Amendment No. 9 to **Senate Bill No. 113**, which motion prevailed.

**HOUSE AMENDMENT NO. 13**

AMEND by adding the language "or insurance" between the words "retirement" and "benefits" in the amendatory language of Section 1 of the bill, as amended.

AND FURTHER AMEND by deleting the punctuation ";" at the end of the amendatory language of subdivision (9) of Section 2 of the bill, as amended, and by substituting instead the following language:

. The board of education shall select at least four (4) persons as its negotiators;

AND FURTHER AMEND by deleting in its entirety Section 13 of the bill, as amended.

Senator Johnson moved that the Senate nonconcur in House Amendment No. 13 to **Senate Bill No. 113**, which motion prevailed.

**SENATE BILL ON HOUSE AMENDMENT**

**Senate Bill No. 609** -- Local Government, General -- As introduced, authorizes local governments to establish community gardening programs. Amends TCA Title 43, Chapter 24, Part 1.

**HOUSE AMENDMENT NO. 1**

AMEND by deleting Section 7 in its entirety and renumbering the remaining sections accordingly.

Senator Overbey moved that the Senate nonconcur in House Amendment No. 1 to **Senate Bill No. 609**, which motion prevailed by the following vote:

Ayes .....	32
Noes .....	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

**CALENDAR**

Senator Campfield moved that **Senate Bill No. 49** be moved fifteen places down on the Calendar for today, which motion prevailed.



**MOTION**

Senator Kyle moved that the Senate recess until 8:30 a.m., Friday, May 20, 2011, which motion failed by the following vote:

Ayes .....	10
Noes .....	21

Senators voting aye were: Barnes, Berke, Finney, Ford, Harper, Haynes, Kyle, Marrero, Stewart and Tate--10.

Senators voting no were: Beavers, Bell, Campfield, Faulk, Gresham, Henry, Herron, Johnson, Kelsey, Ketron, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--21.

**MOTION**

Senator Henry moved that the Senate recess until 9:00 a.m., Friday, May 20, 2011, which motion failed by the following vote:

Ayes .....	13
Noes .....	19

Senators voting aye were: Barnes, Berke, Finney, Ford, Harper, Haynes, Henry, Herron, Kyle, Marrero, Stewart, Tate and Mr. Speaker Ramsey--13.

Senators voting no were: Beavers, Bell, Burks, Campfield, Faulk, Gresham, Johnson, Kelsey, Ketron, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tracy, Watson, Woodson and Yager--19.

**MOTION**

Senator Finney moved that Rules 32, 33 and 37 be suspended for the introduction and immediate consideration of **Senate Joint Resolution No. 456**, out of order, which motion prevailed.

**INTRODUCTION OF RESOLUTION**

**Senate Joint Resolution No. 456** by Senator Finney.  
Memorials, Personal Occasion -- Benjamin Gerald Wolfe.

On motion of Senator Finney, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Joint Resolution No. 456** was adopted.

A motion to reconsider was tabled.

**MOTION**

Senator Southerland moved that Rules 32, 33 and 37 be suspended for the introduction and immediate consideration of **Senate Joint Resolution No. 439**, out of order, which motion prevailed.

**INTRODUCTION OF RESOLUTION**

**Senate Joint Resolution No. 439** by Senator Southerland.  
Memorials, Interns -- Kathryn "Katie" Morse.

On motion of Senator Southerland, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Joint Resolution No. 439** was adopted.

A motion to reconsider was tabled.

**CALENDAR**

**Senate Bill No. 395** -- Highways, Roads and Bridges -- As introduced, establishes presumptions of proximate cause of death, injury, or damage for certain motor vehicle accidents occurring within a construction zone; establishes immunity from claims for personal injury, property damage, or death arising from certain Department of Transportation projects. Amends TCA Title 8, Chapter 42; Title 12, Chapter 4; Title 29 and Title 54.

Senator Overbey declared Rule 13 on **Senate Bill No. 395**.

Senator Faulk declared Rule 13 on **Senate Bill No. 395**.

Senator Herron declared Rule 13 on **Senate Bill No. 395**.

On motion, Senate Bill No. 395 was made to conform with **House Bill No. 511**.

On motion, House Bill No. 511, on same subject, was substituted for Senate Bill No. 395.

On motion of Senator Tracy, Amendment No. 1 was withdrawn.

On motion of Senator Overbey, Amendment No. 2 was withdrawn.

On motion of Senator Overbey, Amendment No. 3 was withdrawn.

Thereupon, **House Bill No. 511** passed its third and final consideration by the following vote:

Ayes .....	32
Noes .....	1

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--32.

Senator voting no was: Marrero--1.

A motion to reconsider was tabled.

**Senate Bill No. 1431** -- Election Laws -- As introduced, requires any County Election Commission desiring to use ballot-on-demand technology to have approval by the coordinator of elections 60 days before any election. Amends TCA Section 2-5-209.

Senator Yager moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 2-5-209, is amended by designating the existing language as subsection (a) and by adding the following language to be designated as subsection (b):

(b) Any County Election Commission desiring to use ballot-on-demand technology must have approval by the coordinator of elections sixty (60) days before any election.

(1) The coordinator of elections and the State Election Commission must provide an approved list of available ballot-on-demand technology vendors from which the County Election Commission must select for use.

(2) Prior to the County Election Commission voting to utilize ballot-on-demand technology, the County Election Commission must hold a public meeting with an opportunity for public comment.

(3) During the public meeting held pursuant to subdivision (b)(2), the County Election Commission must provide election officials and members of the public who are present an opportunity to have demonstrated to them the ballot-on-demand technology machines and the opportunity to experiment with the ballot-on-demand technology machines being considered for use in the county.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 1431**, as amended, passed its third and final consideration by the following vote:

Ayes .....	25
Noes .....	5
Present, not voting . . .	3

Senators voting aye were: Beavers, Bell, Burks, Campfield, Crowe, Faulk, Gresham, Harper, Haynes, Henry, Johnson, Kelsey, Ketron, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--25.

Senators voting no were: Barnes, Berke, Herron, Marrero and Stewart--5.

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Senators present and not voting were: Finney, Ford and Kyle--3.

A motion to reconsider was tabled.

Senator Haynes moved that **Senate Bill No. 1959**, as amended, be rereferred to the Committee on Calendar, which motion prevailed.

Senator Johnson moved that **Senate Bill No. 109** be placed on the Calendar for Friday, May 20, 2011, which motion prevailed.

**Senate Bill No. 312** -- Criminal Procedure -- As introduced, revises the castle doctrine to protect a person from criminal as well as civil liability in the use of force which is justified; directs the Commissioner of Commerce and Insurance to determine whether there are impediments inhibiting insurance companies from underwriting coverage for such events. Amends TCA Section 39-11-622 and Title 56.

On motion, Senate Bill No. 312 was made to conform with **House Bill No. 155**.

On motion, House Bill No. 155, on same subject, was substituted for Senate Bill No. 312.

On motion of Senator Beavers, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 155** passed its third and final consideration by the following vote:

Ayes .....	32
Noes .....	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

Senator Bell moved that **Senate Bill No. 372** be placed on the Calendar for Friday, May 20, 2011, which motion prevailed.

**Senate Bill No. 387** -- Wills -- As introduced, requires bonds of executors and administrators to include expenses for court costs, attorney's fees and other related expenses of administering the estate. Amends TCA Title 30, Chapter 1, Part 2.

Senator Faulk declared Rule 13 on **Senate Bill No. 387**.

On motion, Senate Bill No. 387 was made to conform with **House Bill No. 334**.

On motion, House Bill No. 334, on same subject, was substituted for Senate Bill No. 387.

On motion of Senator Beavers, Amendment No. 1 was withdrawn.

Senator Kelsey moved that **House Bill No. 334** be moved ten places down on the Calendar for today, which motion prevailed.

**Senate Bill No. 389** -- Criminal Offenses -- As introduced, creates the Class E felony of drawing a deed without actual ownership. Amends TCA Title 39 and Title 66.

Senator Overbey declared Rule 13 on **Senate Bill No. 389**.

On motion of Senator Beavers, Amendment No. 1 was withdrawn.

Senator Beavers moved to amend as follows:

**AMENDMENT NO. 2**

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 17, Part 1, is amended by adding the following new, appropriately designated section thereto:

(a)(1) It is an offense of any person to knowingly cause to be prepared, sign, or file records of any property transfer document when the transferor, grantor or person applying for registration knows or should know by an examination of the public records, that the transferor or grantor has no legal nor equitable interest to convey, or when there is no reasonable basis for assumption that the transferor or grantor has any interest in the property.

(2) As used in this subsection (a), "person" includes any individual, corporation, firm, company, partnership, or association.

(b) Upon a final conviction for an offense pursuant to this section, any court having or exercising circuit court jurisdiction may order the filing of an order of said court declaring the offending transfer document or documents to be void and of no legal effect and removing any cloud on the title that may have arisen because of said documents.

(c) This statute shall not be applicable to any licensed attorney who, in good faith, prepares such a transfer document in the course of representation of a client.

(d) A violation of subsection (a) shall be a Class A misdemeanor.

SECTION 2. Tennessee Code Annotated, Section 66-3-104, is amended by designating the existing language as subsection (a) and adding the following language as a new subsection (b):

(b) Any person who transfers or applies for recordation of any transfer of land by execution of either a general warranty deed or quitclaim deed, or any other devise, with knowledge that the transferor or grantor has no legal nor equitable interest to convey such land commits a Class A misdemeanor.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

Pursuant to Rule 39(3), Amendment No. 2 was adopted by the following vote:

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Ayes . . . . . 32  
Noes . . . . . 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--32.

Thereupon, **Senate Bill No. 389**, as amended, passed its third and final consideration by the following vote:

Ayes . . . . . 30  
Noes . . . . . 1

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Finney, Ford, Gresham, Harper, Haynes, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--30.

Senator voting no was: Henry--1.

A motion to reconsider was tabled.

**Senate Bill No. 424** -- Health, Dept. of -- As introduced, clarifies that when continuing, restructuring, or reestablishing a board, commission, committee, agency or other governmental entity under the division of health related boards that such activity be done in accord with the requirements of Title 63 and the Uniform Administrative Procedures Act. Amends TCA Title 63.

Senator Watson moved that Amendment No. 1 be placed behind Amendment No. 2, which motion prevailed.

Senator Beavers moved to amend as follows:

**AMENDMENT NO. 2**

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 63, Chapter 6, Part 2, is amended by adding the following as a new section to be appropriately designated:

63-6-241. Notwithstanding § 63-6-209(b) or any other provision of this chapter, no physician licensed under this chapter or Chapter 9 of this title shall perform or attempt to perform any abortion, including a medically induced abortion, or shall prescribe any drug or device intended to cause a medical abortion, except in the physical presence of the pregnant woman. No drug or device intended to cause a medical abortion shall be administered or dispensed to a pregnant woman except in the physical presence of her physician.

SECTION 2. This act shall take effect January 1, 2013, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

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On motion of Senator Watson, Amendment No. 1 was withdrawn.

Thereupon, **Senate Bill No. 424**, as amended, passed its third and final consideration by the following vote:

Ayes . . . . . 29

Noes . . . . . 1

Senators voting aye were: Beavers, Bell, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--29.

Senator voting no was: Marrero--1.

A motion to reconsider was tabled.

### MOTION

On motion of Senator Burks, her name was added as sponsor of **Senate Bills Nos. 609, 1234 and 1456**.

On motion of Senators Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey, their names were added as sponsors of **Senate Bill No. 1380**.

On motion of Senator Gresham, her name was added as sponsor of **Senate Bill No. 1468; and House Joint Resolution No. 471**.

On motion of Senators Barnes, Beavers, Bell, Berke, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Ketron, Marrero, McNally, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey, their names were added as sponsors of **Senate Joint Resolution No. 224**.

On motion of Senator Yager, his name was added as sponsor of **Senate Joint Resolution No. 361; and House Joint Resolutions Nos. 445, 446 and 447**.

On motion of Senators Overbey, Norris, Haynes and Harper, their names were added as sponsors of **Senate Joint Resolution No. 369**.

On motion of Senators Kyle and Finney, their names were added as sponsors of **Senate Joint Resolutions Nos. 371 and 372**.

On motion of Senator Beavers, her name was added as sponsor of **Senate Joint Resolutions Nos. 374, 375, 376, 440 and 441; and House Joint Resolutions Nos. 476, 477, 478 and 479**.

On motion of Senator Tracy, his name was added as sponsor of **Senate Joint Resolution No. 379; and House Joint Resolutions Nos. 434, 468 and 469**.

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On motion of Senators Tracy, Marrero, Burks, Berke and Finney, their names were added as sponsors of **Senate Joint Resolution No. 433**.

On motion of Senator Henry, his name was added as sponsor of **Senate Joint Resolution No. 442**.

On motion of Senators Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson and Yager, their names were added as sponsors of **Senate Resolution No. 52**.

On motion of Senators Barnes, Berke, Burks, Haynes, Henry and Marrero, their names were added as sponsors of **Senate Resolution No. 56**.

On motion of Mr. Speaker Ramsey, his name was added as sponsor of **Senate Resolution No. 60**.

On motion of Senator Finney, his name was added as sponsor of **Senate Resolution No. 63; and House Joint Resolution No. 493**.

On motion of Senator Roberts, his name was added as sponsor of **House Joint Resolutions Nos. 429, 430, 431, 432, 437, 472 and 473**.

On motion of Senators Faulk, Overbey, Haynes, Berke, Barnes, Harper and Herron, their names were added as sponsors of **House Joint Resolution No. 440**.

On motion of Senator Overbey, his name was added as sponsor of **House Joint Resolutions Nos. 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 484, 485, 486, 487, 488, 489 and 490**.

On motion of Senator Johnson, his name was added as sponsor of **House Joint Resolution No. 480**.

On motion of Senator McNally, his name was added as sponsor of **House Joint Resolutions Nos. 494 and 495**.

On motion of Senator Marrero, her name was added as sponsor of **House Joint Resolution No. 496**.

On motion of Senator Harper, her name was added as sponsor of **House Joint Resolution No. 497**.

## ENGROSSED BILLS

May 19, 2011

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Bills Nos. 389, 424, 923 and 1431; and Senate Joint Resolutions Nos. 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411,



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412, 413, 414, 415, 416, 417, 418, 420, 421, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453 and 456; and find same correctly engrossed and ready for transmission to the House.

M. SCOTT SLOAN,  
Chief Engrossing Clerk.

**ENGROSSED BILLS**

May 19, 2011

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Joint Resolutions Nos. 224, 358, 359, 360, 361, 362, 363, 364, 365, 366, 368, 369, 437 and 438; and find same correctly engrossed and ready for transmission to the House.

M. SCOTT SLOAN,  
Chief Engrossing Clerk.

**MESSAGE FROM THE HOUSE**

May 19, 2011

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 137, 511, 992, 1201, 1246, 2010 and 2149; passed by the House.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

May 19, 2011

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 1046 and 1733, passed by the House.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

May 19, 2011

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 1877, 2153, 2155 and 2157; passed by the House.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

May 19, 2011

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 198, 281, 350, 351, 494, 495, 496 and 497; adopted, for the Senate's action.

JOE MCCORD,  
Chief Clerk.

**THURSDAY, MAY 19, 2011 -- 37TH LEGISLATIVE DAY**

**MESSAGE FROM THE HOUSE**

May 19, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 170, 763, 813, 814, 1602 and 1788; substituted for House Bills on same subjects and passed by the House.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

May 19, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 178, 206, 1007, 1288, 1539, 1659 and 1776; substituted for House Bills on same subjects and passed by the House.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

May 19, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 111, 192, 200, 213, 330, 344, 345, 346, 347, 348, 349, 350, 351 and 355; concurred in by the House.

JOE MCCORD,  
Chief Clerk.

**ENROLLED BILLS**

May 19, 2011

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Bills Nos. 170, 178, 206, 763, 813, 814, 1258, 1288, 1602, 1776 and 1788; and find same correctly enrolled and ready for the signatures of the Speakers.

M. SCOTT SLOAN,  
Chief Engrossing Clerk.

**ENROLLED BILLS**

May 19, 2011

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Joint Resolutions Nos. 111, 192, 200, 213, 330, 344, 345, 346, 347, 348, 349, 350, 351 and 355; and find same correctly enrolled and ready for the signatures of the Speakers.

M. SCOTT SLOAN,  
Chief Engrossing Clerk.

**ENROLLED BILLS**

May 19, 2011

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Resolutions Nos. 48 and 60, and find same correctly enrolled and ready for the signature of the Speaker.

M. SCOTT SLOAN,  
Chief Engrossing Clerk.

**THURSDAY, MAY 19, 2011 -- 37TH LEGISLATIVE DAY**

**MESSAGE FROM THE HOUSE**

May 19, 2011

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 428, 429, 430, 431, 432, 434, 437, 440, 444 and 480; for the signature of the Speaker.

JOE MCCORD,  
Chief Clerk.

**SIGNED**

May 19, 2011

The Speaker announced that he had signed the following: Senate Joint Resolutions Nos. 111, 192, 200, 213, 330, 344, 345, 346, 347, 348, 349, 350, 351 and 355.

**SIGNED**

May 19, 2011

The Speaker announced that he had signed the following: Senate Resolutions Nos. 48 and 60.

**SIGNED**

May 19, 2011

The Speaker announced that he had signed the following: House Joint Resolutions Nos. 407, 408, 409, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 426, 435 and 436.

**SIGNED**

May 19, 2011

The Speaker announced that he had signed the following: House Joint Resolutions Nos. 428, 429, 430, 431, 432, 434, 437, 440, 444 and 480.

**MESSAGE FROM THE HOUSE**

May 19, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 203, 226, 232, 616, 905, 1023, 1140, 1192, 1448, 1541, 1571, 1771 and 1951; signed by the Speaker.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

May 19, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 111, 192, 200, 213, 330, 344, 345, 346, 347, 348, 349, 350, 351 and 355; signed by the Speaker.

JOE MCCORD,  
Chief Clerk.

**THURSDAY, MAY 19, 2011 -- 37TH LEGISLATIVE DAY**

**REPORT OF CHIEF ENGROSSING CLERK**

May 19, 2011

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Bills Nos. 203, 226, 232, 616, 905, 1023, 1140, 1192, 1448, 1541, 1571, 1771 and 1951; for his action.

M. SCOTT SLOAN,  
Chief Engrossing Clerk.

**REPORT OF CHIEF ENGROSSING CLERK**

May 19, 2011

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Joint Resolutions Nos. 111, 192, 200, 213, 330, 344, 345, 346, 347, 348, 349, 350, 351 and 355; for his action.

M. SCOTT SLOAN,  
Chief Engrossing Clerk.

**ADJOURNMENT**

Senator Norris moved the Senate adjourn until 8:30 a.m., Friday, May 20, 2011, which motion prevailed.